

Decision No. C04-0571

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-164E

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE NO. 1411 – ELECTRIC.

**ORDER GRANTING INTERVENTIONS
AND SETTING PREHEARING CONFERENCE**

Mailed Date: May 27, 2004
Adopted Date: May 26, 2004

I. BY THE COMMISSION

A. Statement

1. On March 26, 2004, Public Service Company of Colorado (Public Service or Company) filed Advice Letter No. 1411 - Electric. By Decision No. C04-0364, we suspended the advice letter and set this matter for hearing. Decision No. C04-0364 also established a deadline for the submission of interventions (May 14, 2004) and requested that the parties advise the Commission of their availability for a prehearing conference in late May or early June 2004.

2. The Colorado Office of Consumer Counsel and the Staff of the Commission timely filed notices of intervention. Petitions to intervene were timely filed by Black Hills Colorado, LLC; Kroger Co. (Kroger); the Federal Executive Agencies; Western Resources Advocates; Colorado Energy Consumers; the City and County of Denver; the Colorado Municipal League (CML); the Denver Building Owners and Managers Association (BOMA); the University of Colorado at Boulder; and Climax Molybdenum Company and CF&I Steel LP. A petition to intervene was late-filed on May 17, 2004 by Kenneth Regelson. We waive the response time to the petitions to intervene by BOMA; the University of Colorado at Boulder;

Climax Molybdenum Company and CF&I Steel LP. Good grounds having been stated we grant the petitions to intervene. We will address the untimely petition for intervention by Mr. Regelson after response time has run.

3. The petitions of CML and BOMA do not identify the members that they are representing in this case. We direct CML and BOMA to file a list of the entities and individuals that are being represented in this case.

4. Information provided by the parties in response to Decision No. C04-0364 indicate that 9:00 a.m. on June 10, 2004, is a convenient time for conducting a prehearing conference. Therefore, the conference will be scheduled at that time.

5. In order to facilitate an efficient use of time, we provide the following list of issues which the parties should be prepared to discuss at the prehearing conference: dates for filing answer, cross-answer, and rebuttal testimony; dates for filing accompanying work papers to testimony; dates for filing executable electronic copies of cost of service models; dates (prior to hearing) for a technical conference, if necessary, on cost of service models; dates for hearing; whether there is a need for daily transcript and who shall pay; if, and how, electronic service of documents will be conducted for this case; dates for cutoff to discovery requests; and response and objection times for discovery requests. The Commission directs the parties to meet at 8:30 a.m. on June 10, 2004,¹ to discuss proposed dates for all of the above items.

¹ The hearing room will be reserved starting at 8:30 a.m. for the parties' use. Of course, the parties may discuss these issues prior to June 10, 2004 if they so desire.

6. Public Service filed its Motion for Extraordinary Protection on March 26, 2004. The Company is directed to mail a copy of that motion to intervenors on or before May 28, 2004. Parties shall file their response to the motion on or before June 8, 2004.

7. In its Petition to Intervene, Kroger included a request to allow representation by out-of-state counsel. Before the Commission rules on that request, Kroger must comply with Rules 221 and 221.1, Colorado Rules of Civil Procedure, and submit evidence of such compliance to the Commission.²

II. ORDER

A. The Commission Orders That:

1. The petition to intervene filed by Black Hills Colorado, LLC; Kroger Co.; the Federal Executive Agencies; Western Resources Advocates; Colorado Energy Consumers; the City and County of Denver; the Colorado Municipal League; the Denver Building Owners and Managers Association; the University of Colorado at Boulder; and Climax Molybdenum Company and CF&I Steel LP are granted. Response time to the petitions of the Denver Building Owners and Managers Association; the University of Colorado at Boulder; and Climax Molybdenum Company and CF&I Steel LP is waived.

2. The Colorado Municipal League and the Denver Building Owners and Managers Association shall, within ten days of the effective date of this Order, file a list of the entities and individuals that are being represented in the case.

²Among other things, those rules require Kroger to submit a copy of its request for representation by out-of-state counsel to the Clerk of the Colorado Supreme Court and pay the \$250 fee for admission *pro hac vice*.

3. Public Service Company of Colorado shall mail a copy of its Motion for Extraordinary Protection to intervenors on or before May 28, 2004. Parties shall file their response to the motion on or before June 8, 2004.

4. A prehearing conference is scheduled in this matter as follows:

DATE: June 10, 2004
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

The parties shall meet at 8:30 a.m. on June 10, 2004, to discuss proposed dates for all of the items discussed above.

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 26, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners