

Decision No. C04-0704

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 ESTABLISHING PROCEDURAL SCHEDULE

Mailed Date: June 24, 2004

Adopted Date: June 10, 2004

I. BY THE COMMISSION

A. Statement

1. The Commission held a prehearing conference in this matter on June 10, 2004. Appearances were entered on behalf of Public Service Company of Colorado (Public Service or Company); Staff of the Commission; the Office of Consumer Counsel; Kroger Co.; Black Hills Colorado, LLC; the Federal Executive Agencies; Western Resource 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; Climax Molybdenum Company and CF&I Steel LP; and the City of Boulder. This order memorializes our decisions from the prehearing conference.

2. The City of Boulder late-filed a petition to intervene on June 1, 2004. No party objected to this petition at the prehearing conference. Therefore, we waive response time and grant the petition to intervene. We also grant the late-filed petition to intervene of Kenneth Regelson.

3. On June 8, 2004, Public Service filed a Motion for a three day extension of time by which parties must respond to Public's Service's Motion for Extraordinary Protection.¹ At the prehearing conference Public Service requested that an extension of time be granted until June 25, 2004. Public Service contends that this would allow adequate time for interested parties to determine whether reasonable accommodation can be reached regarding Public Service's highly confidential information. We waive response time and grant the orally amended Motion for Extension of Time. Parties shall file their responses to the Motion for Extraordinary Protection on or before June 25, 2004.

4. At the prehearing conference the parties proposed two alternative procedural schedules. One procedural schedule proposed hearing dates in December, 2004; the other procedural schedule proposed hearing dates in January, 2005. Overall, the procedural schedule proposing hearing dates in January, 2005 had more support by parties and works best for the Commission. We adopt the following procedural schedule:

Answer Testimony Due	October 12, 2004
Rebuttal/Cross-Answer Testimony Due	December 13, 2004
Technical Conference before an Administrative Law Judge	June 21, 2004 - 9:00 a.m.
Hearing	January 10-January 28, 2005 ²
Statements of Position	February 11, 2005

Public Service will pay for daily transcripts of the hearing.

¹ Public Service filed its Motion for Extraordinary Protection on March 26, 2004. The Commission set response time to the motion on or before June 8, 2004. *See* Decision No. C04-0571.

² It should be noted that January 17, 2005, is a state holiday.

5. Public Service represented that it would amend the effective date of the tariffs that accompanied Advice Letter 1411 – Electric such that the 210-day suspension period allowed for by § 40-6-111(1)(b), C.R.S., would expire on March 31, 2004. The Company should file that amendment in the near future.

6. Responses and objections to discovery on direct testimony and answer testimony shall be served within ten calendar days. The cut-off date for discovery on direct testimony shall be October 12, 2004. The cut-off date for discovery on answer testimony shall be December 13, 2004. Response and objections to discovery on rebuttal testimony and cross-answer testimony shall be served within seven calendar days. The cut-off date for all discovery requests shall be December 27, 2004. All discovery disputes (*e.g.*, motions to compel) shall be resolved by an Administrative Law Judge.

7. Parties expressed an interest in electronic service of testimony and exhibits. The parties may serve testimony and exhibits on each other through electronic means. Parties shall indicate, in writing to each other, their preference for electronic service by CD; electronic service by e-mail; or hard copy service by mail. If a party chooses e-mail service, the e-mail addresses of individuals to receive electronic copies shall also be provided. Parties shall serve electronic documents in Adobe Portable Document Format. The parties shall file an original and seven hard copies of all testimony and exhibits with the Commission.³

8. We direct each party that proposes a rate design to provide to Commission Advisory Staff and all other parties, at the time it files testimony, an executable electronic copy of

³ Parties shall provide an electronic copy of all testimony and exhibits on CD to Wendie Allstot, Advisory Staff of the Commission.

the cost of service study model(s) it used to develop that rate design; all data input files; and any pertinent user information.⁴ Public Service shall provide to all other parties and the Commission Advisory Staff, within 14 calendar days of the effective date of this order, a copy of the executable electronic cost of service study model(s) used for the rate design proposed in its direct testimony; all data input files; and any pertinent user information. If any party's case changes in subsequent testimony based on updated models, the updated model(s) shall be provided with that testimony.

9. We direct any party that proposes a comprehensive rate design to provide, in hard copy and executable electronic copy, the average residential and commercial customer impacts of their proposal both in dollars and percentages.⁵ The parties shall assume for an average electric residential customer a usage of 625 kWh, and for an average electric commercial customer a usage of 1,265 kWh. Public Service shall file within seven days of the effective date of this order its average customer impact in hard copy and executable electronic format. If any party's case changes substantially in subsequent testimony, the party shall provide updated information on average impacts when it files that testimony.

II. ORDER

A. The Commission Orders That:

1. The petition to intervene filed by the City of Boulder is granted. Response time to the petition is waived.

⁴ Any party that does not propose its own rate design, but suggests changes to another party's rate design, is not required to provide a cost of service studies.

⁵ Likewise, any party that does not propose its own rate design, but suggests changes to another party's rate design, is not required to provide rate impact information.

2. The petition to intervene filed by Kenneth Regelson is granted.
3. The oral motion for extension of time to respond to the Motion for Extraordinary Protection is granted. Responses to the Motion for Extraordinary Protection shall be filed on or before June 25, 2004.
4. The procedural schedule discussed above is adopted.
5. Discovery response times, objection times, cut-off dates, and dispute procedures are adopted as discussed above.
6. Any party that proposes a rate design shall provide to Commission Advisory Staff and all other parties, at the time it files testimony, an executable electronic copy of the cost of service study model(s) used to develop that rate design; all data input files; and any pertinent user information. If any party's case changes in subsequent testimony based on updated models, the updated models shall be provided with that testimony.
7. Public Service Company of Colorado shall provide to all other parties and the Commission Advisory Staff, within 14 calendar days of the effective date of this Order, a copy of the executable electronic cost of service study model(s) used for the rate design proposed in its direct testimony; all data input files; and any pertinent user information.
8. Any party that proposes a comprehensive rate design shall provide, in hard copy and executable electronic copy, the average residential and commercial customer impacts of their proposal as expressed both in dollars and percentages. The parties shall assume for an average electric residential customer a usage of 625 kWh, and for an average electric commercial customer a usage of 1,265 kWh.

9. Public Service Company of Colorado shall file within seven days of the effective date of this Order its average customer impact in hard copy and executable electronic format.

10. A hearing is scheduled in this matter as follows:

DATES: January 10 through 14, 18 through 21, and
24 through 28, 2005

TIME: 9:00 a.m.

PLACE: Commission Hearing Room A
1580 Logan Street, OL2
Denver, Colorado

11. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' PREHEARING CONFERENCE
June 10, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER JIM DYER
ABSENT.