

Decision No. C04-0738

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-214E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR APPROVAL OF ITS 2003 LEAST-COST RESOURCE PLAN.

DECISION ON INTERVENTIONS

Mailed Date: July 6, 2004
Adopted Date: June 18, 2004

I. BY THE COMMISSION

A. Statement

1. On June 18, 2004, the Commission held a prehearing conference to rule on interventions in Docket No. 04A-214E, and to consider the Motion of Public Service Company of Colorado for Expedited Approval of the Renewable Energy Request for Proposals (RFP) filed on May 25, 2004. The Commission granted this motion, and set the Renewable Energy RFP for hearing before the Commission as a separate proceeding in Docket No. 04A-325E, *see* Decision No. C04-0739.

2. Ms. Leslie Glustrom filed a petition to intervene on June 10, 2004. In her petition, and in verbal response at the prehearing conference, Ms. Glustrom provides a detailed description of issues that she intends to address. While Ms. Glustrom demonstrates a personal interest in these proceedings, she is not represented by an attorney,¹ and appears to not fully understand the legal constraints of our adjudicated proceedings. We are concerned that her

¹ We are not finding that a person must have an attorney to be afforded intervenor status. (We merely point out that the lack of attorney advice may be the reason why she believes she can provide evidence on an issue outside the scope of this proceeding.)

primary issue (climate change) is outside the scope of our Least-Cost Planning Rules. We find that Ms. Glustrom's petition for intervention does not meet the "substantial interest" required for intervenor status. A citizen's concern, however fervently expressed, does not equate with substantial interest," which is essentially a standing inquiry. We note that the Office of Consumer Counsel (OCC) is statutorily charged to represent residential/customer interests from a rate perspective. Consequently, we deny Ms. Glustrom's intervention. We point out that Ms. Glustrom may provide public comment in this case. Specifically, Ms. Glustrom may submit written public comment into the docket for Commission consideration, and may provide oral comment in the public comment hearings to be conducted in these cases. The purpose of the public comment hearings is for concerned citizens, like Ms. Glustrom, to provide comments to the Commission.

3. The other petitions to intervene in Docket No. 04A-214E were filed by Colorado Governor's Office of Energy Management and Conservation; Holy Cross Energy; Colorado Renewable Energy Society; Tri-State Generation and Transmission Association, Inc.; City and County of Denver; Western Resource Advocates; City of Boulder; Sun Power, Inc.; North American Power Group, Ltd.; Arkansas River Power Authority; Rocky Mountain Farmers Union; Colorado Mining Association; Environment Colorado; Calpine Corporation; LS Power Associates, L.P.; Climax Molybdenum Company and CF&I Steel, LP; Regents of University of Colorado-Boulder; Baca Green Energy, LLC and Prairie Wind Energy, LLC; Colorado Energy Consumers Group; Southwest Energy Efficiency Project; Colorado Coalition for New Energy Technologies; Colorado Independent Energy Association; and PacifiCorp.

4. At the prehearing conference, the Commission waived response time to the petitions for intervention, and allowed oral responses. No oral responses were made.

Consequently, the Commission granted all petitions for intervention except for the petition filed by Ms. Glustrom.

5. The OCC and Staff of the Commission filed notices of intervention.

II. ORDER

A. The Commission Orders That:

1. Response time to the petitions for intervention is waived.
2. The petition for intervention filed by Ms. Leslie Glustrom is denied consistent with the above discussion.

3. All other petitions for intervention are granted.

4. This Order is effective on its Mailed Date.

B. ADOPTED IN PREHEARING CONFERENCE June 18, 2004.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER JIM DYER
ABSENT.