

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-325E

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IN THE MATTER OF THE RENEWABLE ENERGY REQUEST FOR PROPOSALS  
PORTION OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO  
FOR APPROVAL OF ITS 2003 LEAST-COST RESOURCE PLAN.

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**ORDER DENYING MOTION FOR ESTABLISHMENT  
OF A PUBLIC COMMENT HEARING**

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Mailed Date: August 3, 2004

Adopted Date: July 27, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of the Motion for Establishment of a Public Comment Hearing on the Renewable Energy RFP by Western Resource Advocates (WRA). WRA requests that we conduct a public comment hearing in this case. Now being duly advised in the premises, we deny the motion.

2. This docket concerns the proposed Renewable Energy Request for Proposal (RFP) by Public Service Company of Colorado (Public Service or Company). Originally, Public Service included its proposed Renewable Energy RFP in its application for Commission approval of its Least Cost Plan, now being considered in consolidated Docket Nos. 04A-214E, 04A-215E, and 04A-216E. In response to the Company's request for expedited consideration of the Renewable Energy RFP, we created this docket specifically for the purposes of considering that RFP. Formal evidentiary hearings are now scheduled in this case for August 4 and 6, 2004.

3. WRA now requests that we conduct a public comment hearing on the proposed Renewable Energy RFP. Office of Consumer Counsel filed a pleading supporting the motion. According to the motion, that hearing would provide members of the public who are not parties to this case an opportunity to submit oral comment on the Company's proposed solicitation (through the RFP) of renewable energy resources from potential providers. The motion suggests that neither the formal evidentiary hearings in this docket, nor the public comment hearings now scheduled in the consolidated docket on the Company's Least Cost Plan provide the public with adequate opportunity to comment upon the proposed Renewable Energy RFP.

4. We deny the motion. As a matter of law, such a public hearing is not required. As a matter of policy, the parties have now submitted their prefiled direct testimony in this case, and that testimony reveals that the Company's proposal to issue its Renewable Energy RFP is largely unopposed. Further, we note that members of the public desiring to comment on issues relating to renewable energy resources for Public Service will have that opportunity in the Least Cost Plan docket. The Commission is scheduled to conduct two public comment hearings in September (one in Pueblo, and one in Denver) in the consolidated docket. In fact, conducting a separate public comment hearing in this proceeding may be confusing to members of the public to the extent they intend to address matters formally at issue in the consolidated docket. For example, persons desiring to address whether Public Service should construct Pawnee 3 (the proposed coal plant in the Least Cost Plan) must submit that comment in the consolidated docket, not here. We do not believe it is good public process to have to inform members of the public that they have come to the wrong meeting, and must return on another date to provide their comments.

5. For these reasons, we conclude that a public comment hearing in this proceeding is neither required nor appropriate. We deny WRA's motion.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Motion for Establishment of a Public Comment Hearing on the Renewable Energy Request for Proposal by Western Resource Advocates is denied.

2. This Order is effective on its Mailed Date.

### **B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING July 27, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners