

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-267G

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AUTHORIZATION TO IMPLEMENT MONTHLY GAS COST ADJUSTMENT TARIFFS, TO EFFECT A CHANGE IN THE COMPANY'S ACCOUNTING FOR GAS STORAGE INVENTORY AND PETITION FOR A WAIVER OF CERTAIN GAS COST ADJUSTMENT RULES.

**DECISION SETTING EXPEDITED HEARING
FOR INITIAL COMMISSION DECISION
ON PROPOSED STIPULATION**

Mailed Date: August 6, 2004
Adopted Date: July 15, 2004

I. BY THE COMMISSION

A. Statement

1. On July 2, 2004, Public Service Company of Colorado (Public Service), Staff of the Commission, and the Office of Consumer Counsel (collectively referred to as Joint Movants) filed a Joint Motion for Approval of Comprehensive Settlement, along with a Request for Initial Commission Decision, and Request for Waiver of Response Time. The comprehensive settlement (Stipulation), including stipulated Exhibit Nos. 1 through 5, entered into by Joint Movants and Energy Outreach Colorado was also filed.

2. Public Service filed its application in this docket on May 10, 2002, and the Commission assigned the case to an Administrative Law Judge for hearing. The Joint Movants now request that the Commission take steps necessary to render an initial Commission decision on or before August 20, 2004. In support of this request, Joint Movants state that the Stipulation resolves important public policy implications on novel issues, and the Commission has a direct

interest in convening a hearing *en banc* to elicit testimony of the parties and other evidence to gain a better understanding of the Stipulation before rendering its decision. Further, Joint Movants state that a Commission order approving the Stipulation is required by August 20, 2004, in order to meet a critical implementation date of November 1, 2004.

3. We agree that the public policy implications and timing constraints require an initial Commission decision in this matter. We also agree that a hearing should be held to allow the Commissioners to better understand the Stipulation, and to provide a forum for parties to answer Commission questions. We do not currently have enough information to rule on the merits of the Stipulation.

4. The Commission's calendar will not allow a hearing to be held in time to issue a decision by August 20, 2004. Instead, we will set the matter for hearing on August 20, 2004, with the intent to hold deliberations on September 3, 2004 and issue a decision by September 20, 2004.

5. If the Commission approves the Stipulation, this one-month delay can be accommodated while still meeting the November 1, 2004 implementation date. As we understand, Joint Movants specified the August 20, 2004 Commission decision date so that customer education bill stuffers can be issued in two separate months after the Commission has approved the Stipulation. We agree that two sets of customer education material should be issued, as provided in the Stipulation. However, we direct Public Service to issue the first educational mailing consistent with the timing contemplated in the Stipulation, which would be before the Commission issues its decision on the matter. We direct Public Service to work with the Consumer Affairs section of the Commission to revise the language in the first mailing to

accommodate this change. If the Commission approves the Stipulation, the one-month delay would not materially affect the second mailing.

II. ORDER

A. The Commission Orders That:

1. The Joint Motion for Approval of Comprehensive Settlement along with a Request for Initial Commission Decision, filed by Public Service Company of Colorado, Staff of the Commission, and the Office of Consumer Counsel on July 2, 2004, is granted in part, consistent with the above discussion. The Commission will enter an initial decision in this docket.

2. Response time to the motion is waived.

3. A hearing shall be held at the following time and date:

DATE: August 20, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 15, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners