

Decision No. C04-1052

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.

DOCKET NO. 04A-215E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR AN ORDER APPROVING A REGULATORY PLAN TO SUPPORT THE
COMPANY'S 2003 LEAST-COST RESOURCE PLAN.

DOCKET NO. 04A-216E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR
THE COMANCHE UNIT 3 GENERATION FACILITY.

**RULING ON MOTIONS AND NOTICE
OF HEARING LOCATIONS**

Mailed Date: September 3, 2004
Adopted Date: August 25, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of various motions and to confirm the locations for the public comment and formal hearings to be conducted in this case. We rule on the following motions: the Motion of Robert A. O'Neil, Sean Beeny, and Craig W. Silverstein for Permission to Practice *Pro Hac Vice* on behalf of Holy Cross Energy; the Petition for Leave to Intervene by Yampa Valley Electric Association, Inc. (Yampa Valley); the

Motion for *Pro Hac Vice* Admission by Linda Sherif on behalf of Calpine Corporation; the Second Motion of Public Service Company for a Protective Order Affording Extraordinary Protection; and the Motion for One Day Extension to File Supplemental Direct Testimony by Public Service Company of Colorado (Public Service or Company).

2. The Motion for *Pro Hac Vice* Admission filed by Messrs. O'Neill, Beeny, and Silverstein on June 14, 2004 fails to indicate that it was filed with the Clerk of the Colorado Supreme Court as required by Rules 221 and 221.1, Colorado Rules of Civil Procedure.¹ Therefore, the motion is denied. The Commission will consider a new motion for admission *pro hac vice* but any such motion must indicate compliance with Rules 221 and 221.1.

3. The Petition for Intervention by Yampa Valley is untimely. However, no party has objected to the Petition. We grant the request for intervention on the condition that Yampa Valley take these cases as they exist on this date (*e.g.*, Yampa Valley must accept the procedural schedule previously set by the Commission).

4. Linda Sherif filed her Motion for *Pro Hac Vice* Admission on behalf of Calpine Corporation on July 28, 2004. The motion indicates compliance with Rules 221 and 221.1, and the Commission has received confirmation from the Clerk of the Colorado Supreme Court of such compliance. Therefore, the motion is granted.

5. Public Service's Second Motion for a Protective Order Affording Extraordinary Protection was filed on August 3, 2004. The motion asserts that certain information requested in discovery is highly sensitive and requests that the Company be required to provide this

¹ Those rules also require applicants for *pro hac vice* admission to submit a \$250 fee to the Clerk of the Court.

information only to Commission Staff and the Colorado Office of Consumer Counsel. No objections were filed to the motion, and we now grant the Company's request.

6. Public Service's Motion for One Day Extension to File Supplemental Direct Testimony was filed on August 16, 2004. Good cause having been stated, we waive response time and grant the motion.

7. In Decision No. C04-0826 (Mailed Date of July 22, 2004), we directed Public Service to arrange facilities for the public comment hearings scheduled in this case, and also to investigate alternative facilities (to the Commission's hearing room) for the formal evidentiary hearings. On August 5, 2004, the Company submitted its Report on Facilities Available to Hold Public Hearings and Evidentiary Hearings. We now approve the hearing locations suggested in the Report. The public comment and evidentiary hearings will be conducted at the below-stated times and places. With respect to the suggested location for evidentiary hearings (*i.e.*, the basement conference room at the Company's Technical Services Building), the Report states that the Company "is in the process of attempting to outfit this room for both audio and video webcasting." We direct the Company to notify the Commission by October 1, 2004 whether webcasting will be available for the evidentiary hearings at this location.

II. ORDER

A. The Commission Orders That:

1. The Motion of Robert A. O'Neil, Sean Beeny, and Craig W. Silverstein for Permission to Practice *Pro Hac Vice* on behalf of Holy Cross Energy is denied.
2. The Petition for Leave to Intervene by Yampa Valley Electric Association, Inc., is granted consistent with the above discussion.

3. The Motion for *Pro Hac Vice* Admission by Linda Sherif on behalf of Calpine Corporation is granted.

4. The Second Motion of Public Service Company for a Protective Order Affording Extraordinary Protection is granted.

5. The Motion for One Day Extension to File Supplemental Direct Testimony by Public Service Company of Colorado is granted. Response time to the motion is waived.

6. Public comment hearings will be conducted in this consolidated case at the following times and places:

DATE: September 23, 2004
TIME: 4:00 p.m. to 7:00 p.m.
PLACE: Pueblo City Council Room,
#1 City Hall Place
Pueblo, Colorado

DATE: September 27, 2004
TIME: 4:00 p.m. to 7:00 p.m.
PLACE: Adams Mark Hotel,
1550 Court Place,
Denver, Colorado

7. Evidentiary hearings will be conducted at the following time and place:

DATE: November 1, 2004
TIME: 9:00 a.m.
PLACE: Public Service Company Technical Services Building
Basement Conference Room
550 15th Street
Denver, Colorado

Hearings shall continue as necessary on November 2 through 5, 8 through 12, and 15 through 19, 2004.

8. On or before October 1, 2004, Public Service Company of Colorado shall notify the Commission whether webcasting will be available at the Company's Basement Conference Room.

9. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 25, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners