

Decision No. C04-1100

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-376G

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE LETTER NO. 626 AS AMENDED.

DOCKET NO. 04S-378E

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE LETTER NO. 1414 AS AMENDED.

ORDER MODIFYING SUSPENSION PERIOD

Mailed Date: September 16, 2004
Adopted Date: September 14, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of modifying the suspension period in the above captioned dockets. On September 2, 2004, Public Service Company of Colorado (Public Service) filed Second Amended Advice Letter No. 626-Gas in Docket No. 04S-376G and Second Amended Advice Letter No. 1414-Electric in Docket No. 04S-378E. The purpose of the Second Amended Advice Letters is to modify the effective date of the attached tariffs to October 1, 2004.

2. In Decision Nos. C04-0800 and C04-0803 issued July 21, 2004, the Commission suspended the effective date of the original Advice Letters for 120 days until November 22, 2004, or until further order of the Commission. The Commission further set the Gas Advice

Letter and attached tariff for hearing on October 21, 2004 and the Electric Advice Letter and attached tariff for hearing on October 22, 2004.

3. Commission Staff (Staff) and the Colorado Office of Consumer Counsel (OCC) intervened in these two dockets, and by Decision No. R04-1004-I, issued August 25, 2004, the Administrative Law Judge (ALJ) set a pre-hearing conference for August 26, 2004. On August 26, 2004, Staff, OCC, and Public Service advised the ALJ they had reached agreement on a revised procedural schedule and requested that the pre-hearing conference scheduled for that day be vacated. The ALJ agreed to do so on the condition that the parties agreed to: 1) consolidate Docket Nos. 04S-376G and 04S-378E for hearing purposes; and 2) conduct a one-day hearing on the consolidated dockets. The parties further agreed that Public Service would, on or before September 3, 2004, file its second amended Advice Letters, amending the effective date of the attached tariffs to a date no earlier than September 7, 2004. The ALJ set a hearing on the consolidated dockets for December 13, 2004. Statements of Position are due on January 7, 2005.

4. The current date for expiration of the previously imposed 120-day suspension period is November 22, 2004. Modifying the suspension period to comport with Public Service's amended effective tariff date of October 1, 2004 requires that the expiration date of the previously imposed suspension period be extended to January 29, 2005. Should we find at a later date that additional time is necessary to render a decision, we may extend the effective date an additional 90 days pursuant to § 40-6-111(1)(b), C.R.S.

5. Therefore, we find good cause to extend the suspension period regarding Second Amended Advice Letter Nos. 626-Gas and 1414-Electric to expire on January 29, 2005.

II. ORDER

A. The Commission Orders That:

1. The 120-day suspension period is modified to expire on January 29, 2005, to comport with Public Service Company of Colorado's Second Amended Advice Letter Nos. 626-Gas and 1414-Electric.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.