

Decision No. C04-1176

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-325E

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.

DOCKET NO. 04V-490E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR LCP RULE VARIANCE TO ACCOMMODATE DECEMBER 2005
TERMINATION OF FEDERAL PRODUCTION TAX CREDITS.

**ORDER SETTING MOTION WITHIN DOCKET
NO. 04A-325E, SHORTENING RESPONSE TIME, AND
ESTABLISHING A TENTATIVE HEARING DATE**

Mailed Date: October 8, 2004
Adopted Date: October 6, 2004

I. BY THE COMMISSION

A. Statement

1. On September 30, 2004, Public Service Company of Colorado (Public Service or Company) filed an Application for Variance from the Commission's Electric Least Cost Planning Rules. Public Service also included a Motion to Expedite Review and Motion to Waive Response Time.

2. In Decision No. C04-0994 we granted Public Service's motion for rule variance to allow a separate Request for Proposals (RFP) and separate evaluation of up to 500 MW of renewable resources that would reduce existing costs and rates. This expedited Renewable RFP was necessary to accommodate anticipated Production Tax Credits (PTCs) for renewable

resources (primarily wind) in service by the end of 2006. However, although Congress has now passed PTC legislation, it only allows the credit to extend to resources that are in service by the end of 2005.

3. Public Service now proposes to split this Renewable RFP into two parts – one for resources that are proposed to be in service by the end of 2005, and one for resources that are proposed to be in service by the end of 2006. Public Service also proposes an expedited procedural schedule with a one-day hearing in the week of October 20 through 27, 2004, and a Commission decision no later than October 28, 2004.

4. Public Service filed this application as a new docket, and it was assigned Docket No. 04V-490E. The primary issue in the Renewable RFP Docket No. 04A-325E was Public Service's request to evaluate certain renewable resources separate from the All-Source evaluation. The instant application proposes a refinement of the separate renewable evaluation approved in Docket No. 04A-325E. The potential renewable resources at issue in the instant application are the same, and the separate evaluation timing is conceptually the same.

5. Therefore, we find that it is unnecessary to establish a separate docket to consider this latest request for rule variance. We construe the instant application and motions as a motion pursuant to § 40-6-112, C.R.S., to amend Decision No. C04-0994 in Docket No. 04A-325E. Because this is a motion to amend decision under § 40-6-112, C.R.S., the parties to Docket No. 04A-325E will be given an opportunity to respond to the motion.

6. We agree that the PTC legislation as approved warrants an expedited procedural schedule in this matter. We will shorten response time to the motion to October 15, 2004. Although it is not obvious that an additional evidentiary proceeding is necessary, we will tentatively set a hearing date of October 25, 2004. In any response to the motion, the party must

state whether it opposes the Company's motion and whether it requests a hearing. If a party requests a hearing, it must state what evidentiary issues need to be explored.

7. If the Commission deems an evidentiary hearing unnecessary, it will decide the motion in a weekly meeting or special deliberation meeting.

II. ORDER

A. The Commission Orders That:

1. The Application for Variance from the Commission's Electric Least Cost Planning Rules filed on September 30, 2004, by Public Service Company of Colorado, along with its Motion to Expedite Review and Motion to Waive Response Time, is construed as a motion to amend, pursuant to § 40-6-112, C.R.S., in Docket No. 04A-325E.

2. Response time to this motion is shortened to October 15, 2004. Responses must include the information specified in the above discussion.

3. Unless the Commission later determines that a hearing is unnecessary, a hearing shall be held at the following time and place:

DATE: October 25, 2004
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

4. Docket No. 04V-490E is closed.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 6, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners