

Decision No. C04-1201

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.

**ORDER DIRECTING PUBLIC SERVICE
TO COORDINATE PREHEARING MATTERS,
AND GRANTING *PRO HAC VICE***

Mailed Date: October 14, 2004
Adopted Date: October 14, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission upon its own motion for consideration of how to efficiently conduct the hearings in this case. There are currently 42 witnesses which have prefiled testimony and 28 intervening parties that may cross-examine those witnesses.

2. By Decision No. C04-0836, we directed the parties to file witness lists and estimated cross-examination times for each witness by October 26, 2004. In order to conduct

this proceeding efficiently given the number of witnesses and intervening parties, the breadth of issues, and the fact that there are only three weeks of hearing, we direct Public Service Company of Colorado (Public Service) to prepare the following:

- a) An exhibit list for prefiled testimony and any intended exhibits to be offered at the hearing.
- b) An agreed-upon order of cross-examination list by party.
- c) An agreed-upon order of witnesses with delineation by party. This list should reflect, to the extent possible, limited availability of witnesses.
- d) A summation of total cross-examination times by witness, by party, and the total for the case.

3. In addition to the above items, we direct the parties to arrange with the court reporters to have all prefiled exhibits and any intended exhibits identified and marked prior to the 9:00 a.m. hearing commencement on November 1, 2004.

4. Furthermore, we direct all parties to provide their cross-examination time estimates for each witness to Public Service by close of business on October 23, 2004. Public Service shall file the summarized list discussed above with the Commission by close of business on October 26, 2004.

5. The Commission also directs the parties to provide comment to the Commission as to whether it would be efficient to designate certain days for specific issues. Although we acknowledge that there may be some time inefficiencies to this approach, the benefit that all the evidence on a specific issue will be presented at one time may outweigh those inefficiencies.

6. All parties are highly encouraged and expected to cooperate with the production and execution of the material discussed above.

7. In Decision No. C04-0836, we informed the parties that they shall consult with each other to consider coordination of cross-examination where common positions permit such coordination work; we reaffirm that directive here.

8. Additionally, on October 4, 2004, Christopher A. Hilen and Jeffrey P. Gray, of the law firm Davis Wright Tremain, LLP of San Francisco, California, individually filed motions for Permission to Practice *Pro Hac Vice* on behalf of Calpine Corporation. Both parties avow in their motions that they have complied with the requirements of Colorado Rule of Civil Procedure 221.1 which governs the appearance of out-of-state attorneys before Colorado administrative agencies. No responses have been filed to this motion. We therefore grant the motions of Christopher A. Hilen and Jeffrey P. Gray to represent Calpine Corporation before the Commission in the above-captioned matter.

II. ORDER

A. The Commission Orders That:

1. All parties shall provide their list of witnesses, estimates of cross-examination, and their preference on whether it would be more efficient to designate certain hearing days for specific issues to Public Service Company of Colorado by close of business on October 22, 2004.

2. Public Service Company of Colorado shall file with the Commission the summary of cross-examination by witness, by party, and in total for the case along with each party's preference on whether it would be more efficient to designate certain hearing days for specific issues by close of business on October 26, 2004.

3. Public Service Company of Colorado shall have available at the first day of hearing an exhibit list and a proposed witness list with order of cross-examination.

4. All prefiled testimony and exhibits shall be identified and marked prior to the 9:00 a.m. hearing commencement on November 1, 2004.

5. The parties shall file comment with the Commission by close of business on October 26, 2004, whether it would be efficient to designate certain days for specific issues.

6. The Motions of Christopher A. Hilen and Jeffrey P. Gray for Permission to Practice *Pro Hac Vice* on behalf of Calpine Corporation are granted.

7. This Order is effective on its Mailed Date.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners