

Decision No. C04-1240

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.

**ORDER GRANTING MOTION TO REPLY
AND SHORTENING RESPONSE TIME,
VACATING HEARING, AND APPROVING MOTION
TO AMEND DECISION NO. C04-0994**

Mailed Date: October 21, 2004
Adopted Date: October 20, 2004

I. BY THE COMMISSION

A. Statement

1. On September 30, 2004, Public Service Company of Colorado (Public Service) filed an Application for Variance from certain of the Commission's Least Cost Planning Rules. Public Service also included a Motion to Expedite Review and Motion to Waive Response Time. Public Service states that this variance is necessary to accommodate Production Tax Credit legislation that requires renewable facilities to be in service on or before December 31, 2006.

2. In Decision No. C04-1176 the Commission construed Public Service's Application for Variance as a motion to amend Decision No. C04-0994 (Motion), and limited response time to October 15, 2004. Staff of the Commission (Staff), the Office of Consumer Counsel (OCC), Western Resource Advocates (WRA), and the Colorado Coalition of New Energy Technologies (CCNET) filed responses to the Motion. Public Service subsequently filed a motion to reply to CCNET, with its reply attached on October 19, 2004.

3. We waive response time to Public Service's October 19, 2004 motion, and grant Public Service leave to reply.

4. Staff, OCC, and WRA recommend granting the Motion without hearing. CCNET recommends granting the Motion with three modifications. First, CCNET recommends that the Commission should require Public Service to allow bidders to be able to establish their "firm transmission capacity" documentation by November 23, 2004, instead of November 1, 2004. CCNET claims that giving bidders this flexibility will not impact the overall bid evaluation process. In its reply, Public Service disagrees, and argues that it needs such documentation by November 1, 2004 in order to complete its review process within its established parameters. We agree, and will therefore allow Public Service to generally maintain the November 1, 2004 deadline. However, we direct Public Service to make an effort to apply a reasonable amount of flexibility to the November 1, 2004 transmission capacity information due date, to the degree that it is practical to do so, and to the degree it will not jeopardize its review of the bids or approval timing.

5. Next, CCNET requests that the Commission order Public Service "to maintain a level of flexibility and to negotiate in good faith on terms of the REPA with individual sellers." In its reply, Public Service commits to be flexible and to negotiate in good faith. We find this commitment by Public Service to be satisfactory, and we find it unnecessary to grant CCNET's request.

6. Last, CCNET requests that the Commission order Public Service to work on provisions of a "Colorado Model" for community and locally owned renewable energy projects. We denied this request in Decision No. C04-0994. We will deny this request here.

7. Given our rulings herein, we find that the tentative hearing scheduled for October 25, 2004, is not necessary, and should be vacated.

II. ORDER

A. The Commission Orders That:

1. Response time to the motion filed on October 19, 2004, by Public Service Company of Colorado is waived.

2. Public Service Company of Colorado's motion for leave to reply to the response of the Colorado Coalition of New Energy Technologies filed on October 15, 2004 is granted.

3. Coalition of New Energy Technologies' request to modify the Motion filed by Public Service Company of Colorado on September 30, 2004 is denied consistent with the above discussion.

4. The Motion for Rule Variance filed by Public Service Company of Colorado on September 30, 2004, to allow a segregated evaluation of renewable resources, is granted.

5. The hearing in this matter scheduled for October 25, 2004, is vacated.

6. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Mailed Date of this Order.

7. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 20, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER POLLY PAGE
ABSENT.