

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02S-315EG

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO ADVICE LETTER NO. 1373 - ELECTRIC, ADVICE LETTER NO. 593 – GAS AND ADVICE LETTER NO. 80 – STEAM.

**ORDER GRANTING EXTENSION OF TIME
AND ALTERNATIVE FORM OF NOTICE**

Mailed Date: December 14, 2004

Adopted Date: December 7, 2004

I. BY THE COMMISSION

A. Background

1. Pursuant to the stipulation approved by the Commission in Decision No. C03-0670 in this docket, Public Service Company of Colorado (Public Service) is required to make an annual filing to revise the Electric Commodity Adjustment Factors (ECAFs). According to the voluntarily negotiated stipulation, this filing is to be made on or before December 1, 2004, and the adjustments are to be effective January 1 of the following year.

2. Public Service filed an advice letter containing the required revision to its ECAF on December 2, 2004. This filing was late by one day. Along with its advice letter, Public Service filed a motion for a one-day extension of time to file its tariff, and a motion seeking an alternative form of notice for this and all future ECAF filings.

B. Discussion

3. At the outset, Public Service seeks a one-day extension of time. Public Service argues that there is no harm in the one-day delay. We disagree with this proposition. The harm

can be found in the additional and unnecessary motions that this Commission and other parties must consider when filing deadlines are not met, and in the use of staff time to file and consider these motions. Public Service claims that an overabundance of Denver traffic (during rush hour no less) prevented the timely filing of the advice letter. This amounts to virtually no excuse at all. We note that Public Service has of late, repeatedly sought and received extensions of time in various dockets before the Commission. In many instances, the claim was that other more pressing matters prevented adherence to the original filing deadline. Even these types of more adequate and understandable excuses are wearing thin. We expect Public Service to meet all of its filing obligations, and expect not to see again the type of excuse offered here. In this instance we will grudgingly grant the extension of time, but only because practically, ratepayers and other parties to the docket will not be harmed (no party contested these motions).

4. We will also grant Public Service's motion for alternative form of notice, but only for this filing. The form of notice requested mirrors that for an application to change a tariff on less than 30 days' notice. Given that we are now well into December, we believe the notice requested is appropriate. We deny Public Service's request that this form of notice pertain to all ECAF filings. Public Service seems to be of the opinion that the ECAF filings are effectively compliance filings because all parties had the opportunity to comment on the method used for the annual calculation. We disagree. The tariff is complicated, and requires in-depth analysis. While parties have had the opportunity to comment on the methodology in the calculation, they may well be interested in checking the calculation, and supporting information, and we are not in a position to say whether publication in the legal notice section of a newspaper will reach all those inclined to comment on the calculation.

II. ORDER

A. The Commission Orders That:

1. Public Service Company of Colorado's motion for a one-day extension of time to file its tariff is granted.

2. Public Service Company of Colorado's motion for alternative form of notice is partially granted, consistent with the discussion above.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 7, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners