

Decision No. R04-1031-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

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.

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.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
VACATING PRE-HEARING CONFERENCE;
CONSOLIDATING PROCEEDINGS;
SETTING HEARING; AND
ESTABLISHING PROCEDURES
AND PROCEDURAL SCHEDULE**

Mailed Date: August 26, 2004

I. STATEMENT

1. On May 25, 2004, Public Service Company of Colorado (PSCo) filed Advice Letter No. 626 in Docket No. 04S-376G and Advice Letter No. 1414 in Docket No. 04S-378E with the Colorado Public Utilities Commission (Commission). It requested that the tariffs accompanying these Advice Letters become effective on July 25, 2004.

2. On July 20, 2004, the Commission suspended the effective date of these tariff filings for an initial period of 90 days and referred these matters to the undersigned administrative law judge (ALJ). *See*, Decision Nos. C04-0800 and C04-0803. These decisions also set Docket No. 04S-376G for hearing on October 21, 2004, set Docket No. 04S-378E for

hearing on October 22, 2004, and establish deadlines for filing direct and answer testimony/exhibits and motions.

3. On August 17, 2004, the Colorado Office of Consumer Counsel filed its Notice of Intervention of Right and Entry of Appearance in both dockets.

4. On August 19, 2004, PSCo filed pleadings entitled “Motion to Delay of Hearing, an Extension of Time to File All Direct Testimonies and Exhibits, and to Consolidate” (Motions) in both proceedings. The Motions request that these proceedings be consolidated for hearing, that the hearings be continued, and that a revised procedural schedule be adopted.

5. On August 20, 2004, the Staff of the Commission (Staff) filed its Notice of Intervention in both dockets.

6. On August 25, 2004, the ALJ scheduled a pre-hearing conference for August 26, 2004. *See*, Decision No. R04-1004-I.

7. On August 26, 2004, the parties advised the ALJ that they had reached agreement on a revised procedural schedule and, as a result, requested that the pre-hearing conference be vacated. The ALJ agreed to do so on the condition that all parties further agreed to the following: (a) that Docket Nos. 04S-376G and 04S-378E should be consolidated for hearing purposes; (b) that these consolidated proceedings could be heard in one day; and (c) that PSCo would, on or before September 3, 2004, file amended Advice Letters amending the effective dates of the tariffs accompanying these Advice Letters to a date no earlier than September 7, 2004.

8. All parties have confirmed to the ALJ that they are in agreement with the conditions described above. Accordingly, the pre-hearing conference will be vacated and the

procedures and procedural schedule agreed to by the parties will be adopted by the Order that follows.

II. ORDER

A. It Is Ordered That:

1. The pre-hearing conference scheduled in this matter for August 26, 2004, is vacated.

2. The Motions to Delay of Hearing, an Extension of Time to File All Direct Testimonies and Exhibits, and to Consolidate filed by Public Service Company of Colorado in the captioned dockets are granted.

3. Public Service Company of Colorado shall, on or before September 3, 2004, file amended Advice Letter Nos. 626 and 1414 amending the effective dates of the tariffs accompanying these Advice Letters to a date no earlier than September 7, 2004.

4. The hearing dates and procedural schedules set forth in Decision Nos. C04-0800 and C04-0803 are vacated.

5. The hearing of this consolidated proceeding is scheduled as follows:

DATE: December 13, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

6. Public Service Company of Colorado shall file its direct testimony and exhibits, in question and answer form, on or before October 4, 2004.

7. The Colorado Office of Consumer Counsel and the Staff of the Colorado Public Utilities Commission shall file their answer testimony and exhibits, in question and answer form, on or before October 27, 2004.

8. Any desired rebuttal or cross-answer testimony and exhibits shall be filed, in question and answer form, on or before November 22, 2004.

9. Any desired post-hearing Statements of Position shall be filed on or before January 7, 2005.

10. Discovery shall be governed by Rules 77(a) and (b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations*, 723-1-77(a) and (b).

11. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge