

Decision No. R04-1482-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-271ST

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE LETTER NO. 89-STEAM.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING JOINT MOTION, VACATING
HEARING, AND ORDERING FILING**

Mailed Date: December 14, 2004

I. STATEMENT

1. On April 26, 2004, Public Service Company of Colorado (PSCo) filed Advice Letter No. 89-Steam. By Decision No. C04-0549 the Commission suspended the effective date of the proposed tariffs, established a procedural schedule, and set the tariffs for hearing before an administrative law judge (ALJ).

2. Staff of the Commission (Staff) timely intervened and is the only intervenor.

3. PSCo filed Amended Advice Letter No. 89-Steam. That Amended Advice Letter changes the proposed effective date of the submitted tariffs from May 31, 2004 to August 29, 2004. By Decision No. C04-1023, the Commission suspended the Amended Advice Letter.

4. PSCo and Staff each filed testimony and exhibits in accordance with the procedural schedule. Hearing is scheduled for December 16, 2004. Decision No. R04-1005-I.

5. On December 13, 2004, counsel for PSCo and for Staff contacted the undersigned ALJ by telephone and informed her that the parties have reached a comprehensive settlement and agreement in principle and that they are in the process of reducing the agreement to writing. To

provide to reduce the agreement to writing, the parties moved for an order vacating the scheduled hearing. The oral motion stated good cause; granting the motion would prejudice no party; and the ALJ granted the oral motion. The hearing will be vacated. This Order memorializes that oral ruling.

6. The parties will be ordered to file, on or before December 30, 2004, a stipulation and settlement agreement. After review of the stipulation and settlement agreement the ALJ will determine whether to hold an evidentiary hearing on the agreement. To facilitate such a hearing, the parties will be ordered to file, on or before December 21, 2004, a proposed hearing date.

II. ORDER

A. It Is Ordered That:

1. The Motion to Vacate Hearing is granted.
2. The hearing scheduled for December 16, 2004, is vacated.
3. On or before December 23, 2004, the parties shall file a proposed hearing date.
4. On or before December 30, 2004, the parties shall file a stipulation and settlement agreement.
5. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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