

Decision No. C14-1250-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0302E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS SOLAR*CONNECT PROGRAM.

PROCEEDING NO. 14A-0301E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL TO ISSUE TARGETED REQUEST FOR PROPOSALS TO ACQUIRE GENERATION RESOURCES TO SUPPORT THE SOLAR*CONNECT PROGRAM.

**INTERIM DECISION DENYING TRIAL STAFF'S
MOTION TO STRIKE PORTIONS OF PUBLIC
SERVICE COMPANY OF COLORADO'S
REBUTTAL TESTIMONY OR RE-NOTICE ITS
APPLICATION; AND, INTERIM DECISION GRANTING
PARTIES LEAVE TO FILE RESPONSE TESTIMONY**

Mailed Date: October 20, 2014

Adopted Date: October 15, 2014

I. BY THE COMMISSION

A. Statement

1. On October 10, 2014, Trial Staff of the Colorado Public Utilities Commission (Trial Staff) moved to strike portions of Public Service Company of Colorado's (Public Service) rebuttal testimony, arguing that the testimony amends its application without the Commission's approval.¹ Trial Staff also moved, in the alternative, to re-notice the application and establish a

¹ See 4 *Code of Colorado Regulations* (CCR) 723-1-1309(a) of the Commission's Rules of Practice and Procedure.

new procedural schedule because portions of Public Service's rebuttal testimony broadened the application's purpose or scope.²

2. The Commission denies Trial Staff's motions, and on its own motion grants parties leave to file response testimony to portions of Public Service's rebuttal testimony as identified in this Decision by October 29, 2014.

B. Background

3. On April 3, 2014, Public Service filed an application for approval of its Solar*Connect Program (14A-0302E) and an application for approval to issue requests for proposals to acquire generation resources for the Solar*Connect program (14A-0301E). The Commission consolidated these applications.

4. The Solar*Connect Program will allow participating customers to purchase solar energy directly from Public Service. Public Service will purchase the solar energy through power purchase agreements with large-scale solar energy producers. Participating customers will pay a "Solar*Connect Charge" for their subscribed energy, and receive a "Solar*Connect Credit" for a portion of the retail rate Public Service normally charges for the consumed kilowatt hours of electricity.

5. Between April and October, 2014, Public Service filed direct testimony, Trial Staff and other intervening parties filed answer testimony, and Public Service filed rebuttal testimony. The Commission set a three-day hearing for November 3 through 5, 2014.

² See 4 CCR 723-1-1206(d).

6. On October 10, 2014, Trial Staff moved to strike two categories of evidence in Public Service's rebuttal testimony, because they constitute amendments to the application without Commission approval. Trial Staff argues that the intervening parties are prejudiced by not being able to respond to Public Service's proposals.³ Trial Staff also moved, in the alternative, to re-notice the amended application and set a new procedural schedule, which would allow the other parties to respond.⁴

7. The testimony at issue requests authorization to: (1) set a floor and a ceiling for the Solar*Connect Charge; and (2) create an earnings sharing mechanism crediting Public Service's Renewable Energy Standard Adjustment (RESA) account. Trial Staff argues that parties are prejudiced by their inability to address: (1) whether the Commission has the authority to set a "price band" for any services other than gas transportation; and (2) whether earnings sharing are appropriate, the level of appropriate earnings sharing, and whether the proposed sharing mechanism would adequately protect nonparticipating customers.

C. Findings and Conclusions

8. We find that Public Service's rebuttal testimony does not effectively amend Public Service's application⁵ or broaden the application's purpose or scope in the manner requiring re-noticing.⁶ Thus, we deny Trial Staff's motion to strike and its alternative motion to re-notice the application.

9. Upon its own motion, the Commission grants the parties leave to file testimony in response to the two issues identified by Trial Staff. Leave to file response testimony alleviates

³ See 4 CCR 723-1-1309(a).

⁴ See 4 CCR 723-1-1206(d).

⁵ See 4 CCR 723-1-1309(a).

⁶ See 4 CCR 723-1-1206(d)

the procedural prejudice underlying Trial Staff's motion, which is the absence of an opportunity to address Public Service's new positions. We also find that, because of the voluminous testimony already submitted and the parties' preparations for the hearings set for November 3 through 5, 2014, the most efficient use of the Commission's and the parties' resources is to allow the parties to respond to the two issues identified by Trial Staff and proceed with the hearing on the merits. Testimony in response is limited to Public Service's rebuttal testimony proposing: (1) the setting of a rate floor and ceiling for the Solar*Connect Charge; and (2) the creation of an earnings sharing mechanism crediting Public Service's RESA account. Parties' response testimony to these two issues is due Wednesday, October 29, 2014.⁷

II. **ORDER**

A. **It Is Ordered That:**

1. The Motion to Strike Portions of Public Service Company of Colorado's Rebuttal Testimony or, in the Alternative, Motion to Re-Notice the Application and Allow for a New Procedural Schedule, and Request for Shortened Response Time, filed by Trial Staff of the Colorado Public Utilities Commission on October 10, 2014, is denied.

2. The parties are granted leave to file response testimony to the two issues addressed in Public Service Company of Colorado's rebuttal testimony as identified in this Decision no later than October 29, 2014.

3. This Decision is effective on its Mailed Date.

⁷ See § 40-6-101(1), C.R.S.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 15, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners