

Decision No. C14-1418

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0818E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER APPROVING EXPENSES INCURRED FOR THE PERIOD JANUARY 2013 THROUGH DECEMBER 2013 THAT ARE RECOVERED THROUGH THE ELECTRIC COMMODITY ADJUSTMENT CLAUSE AND APPROVING THE CALCULATION OF 2013 SHORT TERM SALES MARGINS.

**COMMISSION DECISION STAYING
RECOMMENDED DECISION NO. R14-1370**

Mailed Date: December 1, 2014
Adopted Date: November 24, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This proceeding relates to the application filed by Public Service Company of Colorado (Public Service or the Company) seeking approval of the 2013 fuel, purchase energy, and purchase wheeling costs that the Company collects through the Electric Commodity Adjustment clause. Ms. Leslie Glustrom filed a motion for permissive intervention in this proceeding on September 2, 2014. The Colorado Office of Consumer Counsel (OCC) filed a notice of intervention as of right on September 3, 2014.

2. The matter was referred to an Administrative Law Judge (ALJ) for disposition on the merits and consideration of Ms. Glustrom's request for permissive intervention. By Decision No. R14-1139-I, the ALJ set the procedural schedule and denied Ms. Glustrom's intervention.

3. On October 7, 2014, Ms. Glustrom filed “Exceptions” to Decision No. R14-1139-I, and requested reconsideration of her motion to intervene. Public Service filed a response in opposition to Ms. Glustrom’s filing on October 14, 2014.

4. On October 29, 2014, the OCC moved to withdraw its intervention and its request for a hearing.

5. By Recommended Decision No. R14-1319, issued October 31, 2014 (Intervention Decision), the ALJ construed Ms. Glustrom’s “Exceptions” to Decision No. R14-1139-I as a “Motion to Reconsider,” under Rule 1502(c), of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, because he did not certify Decision No. R14-1139-I as an interim decision that could be immediately appealed to the Commission *en banc* pursuant to Rule 1502(d).¹ In the Intervention Decision, the ALJ affirmed his decision to deny Ms. Glustrom’s intervention. The ALJ noted that exceptions may be filed to the Intervention Decision, consistent with § 40-6-109, C.R.S.²

6. On November 14, 2014, the ALJ issued Decision No. R14-1370 granting Public Service’s application, vacating the scheduled hearings, and granting OCC’s withdrawal of intervention (Application Decision).

7. Pursuant to § 40-6-109(2), C.R.S., the Application Decision will become the decision of the Commission if no exceptions are filed within 20 days after service of the

¹ Rule 1502(c) permits, “[a]ny person aggrieved by an interim decision [to] file a written motion with the presiding officer entering the decision to set aside, modify, or stay the interim decision.” Rule 1502(d), states:

The Commission, hearing Commissioner or Administrative Law Judge may certify any interim decision as immediately appealable through the filing of a motion subject to review by the Commission *en banc*. Such motion shall be filed pursuant to rule 1400 and shall be titled “Motion Contesting Interim Decision No. [XXX-XXXX].”

² Intervention Decision, Ordering Paragraph No. 4.

ALJ's order (December 4, 2014). However, § 40-6-109(2), C.R.S., permits the Commission to stay a recommended decision upon its own motion.

8. On November 19, 2014, Ms. Glustrom filed exceptions to the Intervention Decision and requests that the Commission grant her request for intervention and hold hearings on this matter. Responses to Ms. Glustrom's filing are due December 3, 2014.

9. On its own motion pursuant to § 40-6-109(2), C.R.S., the Commission stays the Application Decision, which recommends the Commission grant Public Service's application, to allow for Commission review of Ms. Glustrom's exceptions to the Intervention Decision and any responses filed. However, the prehearing conference scheduled for December 19, 2014, and evidentiary hearing scheduled for January 7 and 8, 2015, are vacated; if necessary, the Commission will address reestablishing hearing dates by future order.

II. ORDER

A. The Commission Orders That:

1. In accordance with the provisions of § 40-6-109(2), C.R.S., Decision No. R14-1370, mailed November 14, 2014, is stayed.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 24, 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