

Decision No. C14-1518-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-1002E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO (A) FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE THORNTON SUBSTATION , AND (B) FOR SPECIFIC FINDINGS WITH RESPECT TO MAGNETIC FIELDS AND NOISE.

**INTERIM DECISION GRANTING JOINT
MOTION AND FINDING AN INITIAL DECISION
IS REQUIRED UNDER § 40-6-109(6), C.R.S.**

Mailed Date: December 26, 2014

Adopted Date: December 22, 2014

I. BY THE COMMISSION

A. Statement

1. This Decision grants a Joint Motion Requesting the Commission to Make Initial Decision (Joint Motion) filed December 12, 2014, by Public Service Company of Colorado (Public Service or Company), the Colorado Office of Consumer Counsel (OCC), and the City of Thornton, Colorado (Thornton).

2. On October 3, 2014, Public Service filed an Application for a Certificate of Public Convenience and Necessity (CPCN) for the Thornton Substation Project (Project). Public Service seeks to construct a new substation with a 50 MVA transformer, five new distribution feeders, and associated transmission facilities. Public Service states that the Project will satisfy a current need to resolve low voltages and reliability issues which put the Thornton area at risk for extended outages during peak loading conditions due to high customer demands. Public Service also represents that the Project will have the capability for expansion of up to three 50 MVA transformers to serve future load growth. In addition, Public Service seeks

approval of certain noise and magnetic field levels the Company estimates will result from operating the Project.

3. On November 12, 2014, the Commission deemed the application complete and referred the matter to an Administrative Law Judge (ALJ) for the issuance of a Recommended Decision.

4. By Decision No. R14-1387-I issued November 18, 2014, ALJ Paul C. Gomez granted Thornton's intervention and established that Public Service, the OCC, and Thornton are the parties in this proceeding.

5. The ALJ convened a prehearing conference in this matter on December 3, 2014, where the parties requested that he adopt a procedural schedule culminating in an Initial Decision in order to allow Public Service sufficient time to order the equipment necessary for the Project should the CPCN be granted.

6. By Decision No. R14-1438-I issued December 8, 2014, the ALJ conditionally approved the parties' proposed procedural schedule, including an evidentiary hearing on February 19 and 20, 2015, provided that the Commission agrees to issue an Initial Decision rather than requiring a Recommended Decision.¹

7. In the Joint Motion, the parties request that the Commission make an Initial Decision under § 40-6-109(6), C.R.S., and Commission Rule 1404(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. They request the decision issue no later than April 15, 2015.

¹ On December 12, 2014, the parties filed motions requesting that the ALJ further modify the procedural schedule with hearings on later dates than those established in Decision No. R14-1438-I.

8. Public Service explains in the Joint Motion that an Initial Decision is necessary, because the Project must be permitted, engineered, constructed, installed, and operational no later than July 1, 2016 in order for the Company to continue to provide reliable electric service to customers in Thornton.

B. Conclusions and Findings

9. Section 40-6-109(6), C.R.S., states:

The commission may make the initial decision in cases where it has not presided at the taking of evidence, and the recommended decision of the individual commissioner or administrative law judge may be omitted in any case in which the commission finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires.

10. We grant the Joint Motion and find that, should the Project warrant a CPCN and be required to be in operation by July 1, 2016 to preserve reliable service to Thornton customers, the issuance of an Initial Decision is necessary under § 40-6-109(6), C.R.S.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion Requesting the Commission to Make Initial Decision filed December 12, 2014, by Public Service Company of Colorado, the Colorado Office of Consumer Counsel, and the City of Thornton, Colorado is granted, consistent with the discussion above.

2. An Initial Decision shall be made under § 40-6-109(6), C.R.S., consistent with the discussion above.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 22, 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