

Decision No. R14-0264-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0836E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR APPROVAL OF ITS 2014 RENEWABLE ENERGY STANDARD
COMPLIANCE PLAN.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
ADDRESSING DISCOVERY MATTERS**

Mailed Date: March 10, 2014

I. STATEMENT

1. On March 4, 2014, the Motion to Modify Decision R13-1225-I to Shorten Discovery Response Times, and Request for Shortened Response Time to This Motion was filed by the Colorado Office of Consumer Counsel (OCC).

2. The OCC requests modification of provisions in Decision No. R13-1225-I issued October 1, 2013, addressing discovery matters. Based upon the schedule adopted in Decision No. C14-0219-I for the filing of supplemental testimony in the proceeding, the OCC requests that response time to discovery directed to supplemental direct and supplemental answer testimonies be shortened to establish five-calendar day discovery response times.

3. By Decision No. R14-0236-I issued March 4, 2014, response time to the motion was shortened to March 7, 2014.

4. On March 7, 2014, PSCo's Response to the Motion to Modify Decision R13-1225-I to Shorten Discovery Response Times Filed by the OCC was filed by Public Service Company of Colorado (Public Service). Public Service agrees it is reasonable to

shorten response times to five business days for responses to written discovery served related to the supplemental testimony and exhibits to be filed pursuant to Decision No. C14-0219-I (mailed on February 27, 2014). Public Service further requests some clarification that no new discovery can be propounded related to the testimony and exhibits already prefiled (and now required to be edited and refiled) in this proceeding and that future discovery is limited to any new issues raised by the supplemental testimony filed pursuant to Decision No. C14-0219-I.

5. Procedures governing discovery in this proceeding were established by Decision No. R13-1225-I and Rule 1405 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. The cutoff provisions in Rule 1405(d) apply in this proceeding. Public Service's requested clarification is reasonable. To the extent that testimony is being refiled, the opportunity to direct discovery to such testimony has now passed. However, to the extent that future discovery is limited to any new issues raised by the supplemental testimony filed pursuant to Decision No. C14-0219-I, an opportunity for discovery may be had with a shortened response time.

II. ORDER

A. **It Is Ordered That:**

1. The Motion to Modify Decision R13-1225-I to Shorten Discovery Response Times filed on March 4, 2014 by the Colorado Office of Consumer Counsel is granted, as clarified in the discussion above.

2. Discovery provisions of Decision No. R13-1225-I are modified. Response time to written discovery directed to supplemental direct testimony and supplemental answer testimony shall be five calendar days.

3. The scope of future discovery directed at such supplemental testimony filed pursuant to Decision No. C14-0219-I shall be limited to new issues raised therein.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director