

Decision No. R14-0673-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0516G

CARESTREAM HEALTH LLC,

COMPLAINANT,

V.

XCEL ENERGY, DOING BUSINESS AS PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
VACATING EVIDENTIARY HEARING AND
SCHEDULING PREHEARING CONFERENCE**

Mailed Date: June 20, 2014

I. STATEMENT

1. On May 20, 2014, Carestream Health LLC (Complainant) filed a Complaint against Xcel Energy, doing business as Public Service Company of Colorado (Public Service or Respondent). That filing commenced this proceeding.

2. On May 28, 2014, a hearing was set in this matter for August 11, 2014.

3. On May 28, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

4. On June 17, 2014, Public Service filed their Answer to the Complaint. The Answer includes both specific and general denials of the allegations in the Complaint and puts this proceeding at issue.

5. The ALJ finds that there is insufficient time to prepare for the August 11, 2014 evidentiary hearing and shall vacate that hearing date.

6. A prehearing conference is necessary to address the various matters discussed below and to establish a procedural schedule and hearing date(s) in this matter. The ALJ will schedule a prehearing conference in this matter for July 8, 2014.

7. At the prehearing conference, the Parties must be prepared to discuss: (a) date by which Complainant will file its direct testimony and exhibits; (b) date by which Respondent will file its answer testimony and exhibits; (c) date by which each party will file its corrected testimony and exhibits; (d) date by which each party will file its prehearing motions;¹ (e) date by which the Parties will file any stipulation reached;² (f) date(s) for the evidentiary hearing; and (g) date by which each party will file its post-hearing statement of position,³ to which no response will be permitted.

8. At the prehearing conference, if they wish to do so, the Parties may propose, in lieu of prefiling complete testimony, the filing of a list of witnesses and complete copies of documents to be offered as exhibits. If a list of witnesses will be filed, for each witness (except a witness offered in rebuttal), the following information would be provided: (a) the witness's name; (b) the witness's address; (c) the witness's business or daytime telephone number; and (d) a statement of the testimony that the witness is expected to give.

9. At the prehearing conference, the Parties must be prepared to discuss any matter pertaining to discovery if the procedures and timeframes contained in Rule 4 *Code of Colorado Regulations* 723-1-1405 are not sufficient.

¹ This date must be at least ten days before commencement of the hearing.

² This date must be at least five business days before the first day of hearing.

³ Statements of position should be filed no later than two weeks after the close of the evidentiary hearing.

10. At the prehearing conference, a party may raise any additional issue.

11. The ALJ expects the Parties to come to the prehearing conference with proposed dates for the procedural schedule and evidentiary hearing. The Parties must consult prior to the prehearing conference with respect to the matters to be discussed at the prehearing conference and are encouraged to present, if possible, a procedural schedule and hearing date(s) that are satisfactory to all Parties.

II. ORDER

A. It Is Ordered That:

1. The evidentiary hearing in this matter scheduled for August 11, 2014 is vacated.

2. A prehearing conference in this matter is scheduled as follows:

DATE: July 8, 2014

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

3. At the prehearing conference, the Parties must be prepared to discuss the matters set out above.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director