

Decision No. R14-1070-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14AL-0393E

IN THE MATTER OF ADVICE LETTER NO. 680 FILED BY BLACK HILLS/COLORADO ELECTRIC UTILITY COMPANY, LP TO REVISE ITS COLORADO PUC NO. 9 ELECTRIC TARIFF TO IMPLEMENT A GENERAL RATE SCHEDULE ADJUSTMENT TO INCREASE RATES, A NEW RIDER PURSUANT TO THE CLEAN AIR-CLEAN JOBS ACT, AND OTHER CHANGES, PROPOSED TO BE EFFECTIVE ON MAY 31, 2014.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
SETTING ADDITIONAL PUBLIC HEARING**

Mailed Date: September 3, 2014

I. STATEMENT

1. On April 30, 2014, Black Hills/Colorado Electric Utility Company, LP (Black Hills) filed Advice Letter No. 680. Black Hills submitted Advice Letter No. 680 with supporting testimony and exhibits.

2. By Decision No. C14-0522, issued May 16, 2014, the effective date of the Advice letter was suspended until September 28, 2014. The matter was also referred to an administrative law judge (ALJ) for disposition.

3. On May 30, 2014, Staff of the Colorado Public Utilities Commission (Staff) filed its Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1403(b), and Request for Hearing. As required by Rule 4 *Code of Colorado Regulations* 723-1-1007(a) of the Commission's Rules of Practice and Procedure, in that filing Staff identified the Trial Advocacy (litigation) Staff and the Advisory Staff. Staff is an intervenor as of right and a party in this proceeding.

4. On June 6, 2014, Colorado Office of Consumer Counsel (OCC) filed its Notice of Intervention of Right, Entry of Appearance, and Request for Hearing. OCC is an intervenor as of right and a party in this proceeding.

5. On June 9, 2014. The Board of Waterworks of Pueblo, Colorado and the Fountain Valley Authority timely filed their combined Petition to Intervene.

6. On June 12, 2014, Holcim (U.S.) Inc. timely filed a Petition to Intervene.

7. On June 13, 2014, the City of Pueblo, Colorado timely filed a Petition to Intervene

8. On June 13, 2014, Western Resource Advocates timely filed its Petition for Leave to Intervene.

9. The procedural history of this proceeding is set out in previous Decisions and is repeated here as necessary to put this Decision in context.

10. By Interim Decision No. R14-0549-I issued May 22, 2014, a prehearing conference was scheduled for June 17, 2014. At the prehearing conference a public hearing was scheduled for September 4, 2014 to be held at the Pueblo County Commissioners Chambers.

11. Since the public hearing has been scheduled the Commission has received numerous public comments. Based upon these comments it has been decided that it is necessary to schedule an additional public hearing.

A. Hearing to Take Public Comment and Procedures for that Hearing.

12. By this Decision, the ALJ will schedule an additional hearing to take public comment on the issues in this proceeding. The hearing will be held in Pueblo, Colorado on September 11, 2014.

13. The following are the procedures for the hearing to take public comment:

a. An individual who is a party or who is a representative of a party will not be permitted to present comments at the hearing to take public comment. Parties will present their positions and will make their comments through testimony at the evidentiary hearing.

b. The hearing to take public comment will be transcribed.

c. The hearing to take public comment will begin at 4:00 p.m. and will continue until concluded, but in no event later than 7:00 p.m.

d. Individuals who wish to make a comment will sign up to speak and will be heard in the order in which they sign up to speak. Generally, the ALJ will permit each individual to speak for five minutes; but the length of time allotted to each speaker will depend on the number of persons who wish to speak.

e. If they wish to do so, Parties may ask clarifying questions of an individual who makes a comment at the hearing to take public comment.

f. The ALJ may ask clarifying questions of an individual who makes a comment at the hearing to take public comment.

14. It is the Commission's practice to take into consideration the comments -- both written and oral -- made by members of the public. At the evidentiary hearing, Parties will have an opportunity to respond orally to the comments made during the September 4, 2014 hearing to take public comment. The Parties are advised, and are on notice, that a party that desires to respond to any such comments must inform the ALJ of that fact prior to the evidentiary hearing.

II. ORDER

A. It Is Ordered That:

1. An additional hearing to take public comment in this matter is scheduled for the following date, at the following time, and in the following location:

DATE: September 11, 2014

TIME: 4:00 p.m. and continuing until concluded,
but in no event later than 7:00 p.m.

PLACE: Pueblo Convention Center
320 Central Main Street
Pueblo, Colorado 81003

2. The procedures for the hearing to take public comment are set out above.
3. 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

Doug Dean,
Director