

Decision No. R14-1082-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0336EG

DEVELOPMENT RECOVERY COMPANY LLC ON BEHALF OF THE RYLAND GROUP,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0404EG

DEVELOPMENT RECOVERY COMPANY LLC ON BEHALF OF THE RICHMOND
AMERICAN HOMES OF COLORADO, INC.,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
GRANTING UNOPPOSED MOTION FOR
MODIFICATION OF THE PROCEDURAL SCHEDULE**

Mailed Date: September 5, 2014

I. STATEMENT

1. On April 14, 2014, Development Recovery Company (DRC) LLC on behalf of the Ryland Group filed a Complaint against Public Service Company of Colorado (Public Service or Respondent). This filing commenced Proceeding No. 14F-0336EG.

2. On April 18, 2014 the Public Utilities Commission (PUC) issued an Order to Satisfy and Answer in Proceeding No. 14F-0336EG.

3. On April 23, 2014, by Minute Order, the Commission referred Proceeding No. 14F-0336EG to an Administrative Law Judge (ALJ).

4. On April 24, 2014, Development Recovery Company (DRC) LLC on behalf of Richmond American Homes of Colorado, Inc. filed a Complaint against Public Service. This filing commenced Proceeding No. 14F-0404EG

5. On May 2, 2014, Public Service filed its Motion to Dismiss or in the Alternative Motion for More Definite Statement (Motion to Dismiss I) in Proceeding No. 14F-0336EG.

6. On May 14, 2014, DRC filed its Response to Public Service Company of Colorado's Motion to Dismiss or in the Alternative Motion for More Definite Statement.

7. On May 16, 2014, Public Service filed its Motion for Leave to File a Reply and Reply to Development Recovery Company's Response to Motion to Dismiss.

8. On May 22, 2014, DRC filed its Response to Public Service's Motion for Leave to File a Reply and Reply to Development Recovery Company's Response to Motion to Dismiss.

9. On May 22, 2014, the PUC issued an Order to Satisfy and Answer in Proceeding No. 14F-0404EG.

10. On May 28, 2014, by Minute Order, the Commission referred Proceeding No. 14F-0404EG to an ALJ.

11. By Interim Decision No. R14-0591-I, issued June 3, 2014, the Motion to Dismiss I in Proceeding No. 14F-0336EG was granted in part and denied in part and a prehearing conference was scheduled for July 14, 2014.

12. On June 5, 2014, Public Service filed its Motion for More Definite Statement and Motion to Dismiss Fourth Claim for Relief (Motion to Dismiss II) in Proceeding No. 14F-0404EG.

13. On June 11, 2014, Public Service filed its Answer to the Formal Complaint in Proceeding No. 14F-0404EG.

14. On June 17, 2014, Public Service filed its Answer to the Formal Complaint in Proceeding No. 14F-0336EG.

15. On June 19, 2014, DRC filed its Response to Public Service's Motion to Dismiss II in Proceeding No. 14F-0404EG.

16. By Interim Decision No. R14-0817-I, issued July 14, 2014, the procedural schedule for Proceeding No. 14F-0336EG agreed to by the parties at the prehearing conference held on July 14, 2014, was adopted.

17. On July 18, 2014, Public Service filed its Motion to Consolidate Formal Complaint Proceedings of Development Recovery LLC Against Public Service Company of Colorado in both Proceeding No. 14F-0336EG and Proceeding No. 14F-0404EG.

18. On July 31, 2014, DRC filed its Response to Public Service Company of Colorado Motion to Consolidate Formal Complaint Proceedings of Development Recovery Company LLC.

19. By Interim Decision No. R14-0994-I issued on August 15, 2014, Proceeding No. 14F-0336EG was consolidated with Proceeding No. 14F-0404EG. In that decision the undersigned ALJ stated that he would consider a modification to the Procedural Schedule due to the consolidation.

20. On September 2, 2014, the DRC filed its Unopposed Motion for Modification of the Procedural Schedule (Unopposed Motion).

21. In the Unopposed Motion, DRC proposes the following modification of the procedural schedule:

| | |
|---|-------------------|
| Complainant’s Direct Testimony & Exhibits | October 2, 2014 |
| Respondent’s Answer Testimony & Exhibits..... | October 31, 2014 |
| Complainant’s Rebuttal Testimony & Exhibits | November 21, 2014 |
| Corrected Testimony & Exhibits..... | December 1, 2014 |
| Prehearing Motions..... | December 5, 2014 |
| Stipulations | December 12, 2014 |
| Evidentiary Hearing | December 17, 2014 |
| Statement of Position | January 7, 2015 |

22. Good cause is found to grant the Unopposed Motion.

II. ORDER

A. It Is Ordered That:

1. The evidentiary hearing scheduled for November 17, 2014, is vacated.

2. The evidentiary hearing in this matter is rescheduled as follows:

DATE: December 17, 2014

TIME: 9:00 a.m.

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

3. The procedural schedule as stated in ¶ 21 above, is adopted.
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