

Decision No. R14-1326-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 14A-0535E

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IN THE MATTER OF THE APPLICATION OF BLACK HILLS/COLORADO ELECTRIC UTILITY COMPANY, LP FOR APPROVAL OF ITS 2015-2017 RENEWABLE ENERGY STANDARD (RES) COMPLIANCE PLAN.

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PROCEEDING NO. 14A-0534E

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IN THE MATTER OF THE APPLICATION OF BLACK HILLS/COLORADO ELECTRIC UTILITY COMPANY, LP FOR APPROVAL OF ITS 2014 ECA-RESA ADJUSTMENTS AND ECA TARIFF REVISION.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MELODY MIRBABA  
GRANTING REQUEST FOR WITHDRAWAL OF FILING**

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Mailed Date: November 3, 2014

**I. STATEMENT, FINDINGS, AND CONCLUSIONS**

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On October 27, 2014, Black Hills/Colorado Electric Utility, LB (Black Hills) filed “Motion of Black Hills/Colorado Electric Utility Company LP for a Protective Order Affording Extraordinary Protection for Highly Confidential and Proprietary Customer Contractual Information and Exhibits A-F” (Motion).

3. On October 31, 2014, Black Hills filed “Supplemental filing in Support of Verified Application” (Supplement).

4. On November 3, 2014, Black Hills filed a “Request for Expedited Relief Under Rule 1211(d)(I) for Withdrawal of Erroneous Filing” (Withdrawal). The Withdrawal explains that the Supplement was inadvertently filed in this proceeding due to a clerical error. In fact, the Supplement is a filing in support of a verified application in Proceeding No. 14A-0923E. The Withdrawal states that the filing was immediately made in the proper proceeding, and thus, there are no persons impacted by the error. Because no persons were impacted by the error, Black Hills asserts there are no persons to notify of the error. Black Hills requests that the Supplement be stricken from the record in this proceeding on an expedited basis pursuant to Rule 1211(d)(I) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

5. Rule 1211(d)(I), 4 CCR 723-1 allows expedited relief for filers who experienced technical difficulties with the Commission’s e-filing system, or who have erroneously e-filed a document if, within one business day of the filing, the person files a statement with certain information.<sup>1</sup> In particular, the filing should: include a description of the error; identify proceedings impacted by the error; identify all actions taken to notify those impacted by the error; verify that the filer undertook reasonable effort to notify those impact; and, for filings made in an unintended proceeding, state whether the filing should be administratively stricken from the unintended or improper proceeding.

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<sup>1</sup> While the language of Rule 1211(d) permits expedited relief only for those who experience technical difficulties, subparagraph (d)(I) of that Rule also permits expedited relief to a filer who erroneously e-files a document. To give meaning to that language in Rule 1211(d)(I), the ALJ interprets the Rule to permit expedited relief to those who have erroneously e-filed a document.

6. The ALJ finds that Black Hills has met the requirements of Rule 1211(d)(I), 4 CCR 723-1 for expedited relief. To the extent necessary, for good cause shown, the ALJ will waive the response time to the Withdrawal. Rule 1400(b), 4 CCR 723-1.

7. No prejudice will result to any party by granting the relief sought by the Withdrawal. Black Hills has shown good cause for the Supplement to be stricken from the record in this proceeding. The ALJ will grant the Withdrawal.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The response time to Black Hills/Colorado Electric Utility, LB's (Black Hills) "Request for Expedited Relief Under Rule 1211(d)(I) for Withdrawal of Erroneous Filing" (Withdrawal) is waived.

2. The Withdrawal is granted.

3. The "Supplemental filing in Support of Verified Application" made by Black Hills on October 31, 2014 is stricken from the record in this proceeding.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director