

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

PROCEEDING NO. 20A-0195E

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IN THE MATTER OF THE APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC FOR APPROVAL OF ITS TRANSPORTATION ELECTRIFICATION PLAN, READY EV, FOR PROGRAM YEARS 2021-2023 AND FOR RELATED TARIFF APPROVALS.

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**INTERIM DECISION ADOPTING PROPOSED  
PROCEDURAL SCHEDULE; SCHEDULING REMOTE  
HEARING; ADOPTING PROPOSED DISCOVERY  
PROCESS; REFERRING DISCOVERY DISPUTES  
AND MOTIONS FOR EXTRAORDINARY PROTECTION  
TO AN ADMINISTRATIVE LAW JUDGE; AND  
VACATING PREHEARING CONFERENCE**

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Mailed Date: October 15, 2020

Adopted Date: October 14, 2020

**I. BY THE COMMISSION**

**A. Statement**

1. Through this Decision we address the Joint Proposed Procedural Schedule (Joint Report) that Black Hills Colorado Electric, LLC, doing business as Black Hills Energy (Black Hills or Company) filed on October 12, 2020, on behalf of the parties to this proceeding.<sup>1</sup>

2. Consistent with the discussion below, we: (1) adopt the schedule that the parties propose in the Joint Report; (2) schedule a five-day hearing in the matter; (3) adopt the parties' proposed discovery process; (4) refer discovery disputes and motions for extraordinary

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<sup>1</sup> As established through Decision Nos. C20-0474-I and C20-0670-I, issued June 29 and September 18, 2020, respectively, in addition to Black Hills, parties to this proceeding include: Colorado Public Utilities Commission Trial Staff (Staff); the Colorado Office of Consumer Counsel (OCC); Colorado Energy Office (CEO); Charge Point, Inc.; Tesla, Inc.; Electrify America, LLC; Pueblo County; Western Resource Advocates; Sierra Club; Natural Resources Defense Council; Vote Solar; GRID Alternatives, Inc.; Colorado Latino Forum; GreenLatinos; Walmart Inc.; and the City of Pueblo.

protection to an Administrative Law Judge; and (5) vacate the prehearing conference currently scheduled for October 16, 2020.

**B. Background**

3. On May 8, 2020, and as required by Senate Bill (SB) 19-077,<sup>2</sup> Black Hills filed its Application for Approval of its Transportation Electrification Plan, Ready EV, for Program Years 2021 through 2023 and for Related Tariff Approvals.

4. Through Decision No. C20-0701-I<sup>3</sup> the Commission required the parties to confer and file a proposed procedural schedule no later than October 12, 2020. In addition, we scheduled a remote prehearing conference for October 16, 2020. We also noted that the Commission may vacate the prehearing conference if it substantially approves the parties’ proposed procedural schedule.

5. In the Joint Report, Black Hills states that parties agree to a procedural schedule, which includes the following:

Answer Testimony	February 22, 2021
Rebuttal/Cross-Answer Testimony	March 29, 2021
Prehearing Motions, Witness and Exhibit Lists, Exhibits, Corrected Testimony, and Settlement Agreements	April 12, 2021
Evidentiary Hearing	April 19-23, 2021
Statements of Position	May 10, 2021

6. Black Hills notes in the Joint Report that prior to the submittal of Answer Testimony, the Company reserves the right to submit Supplemental Direct Testimony based on a

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<sup>2</sup> SB 19-077, which was signed into law on May 31, 2019, requires investor-owned electric public utilities to file with the Commission by May 15, 2020, “an application for a program for regulated activities to support widespread transportation electrification” within its service territory. *See* § 40-5-107(1)(a), C.R.S.

<sup>3</sup> Issued October 2, 2020.

Commission Decision on Public Service Company of Colorado's Transportation Electrification Plan in Proceeding No. 20A-0204E. In the event the Company deems it appropriate to file Supplemental Direct Testimony, it will confer with the other Parties to determine what changes, if any, are necessary for the procedural schedule.

7. The Joint Report also sets out the discovery procedures upon which the parties agreed. Specifically, the parties propose that the response time for discovery requests regarding direct and answer testimony will be ten business days. Conversely, the parties propose that the discovery requests regarding rebuttal and cross-answer testimony will be seven calendar days from the request.

8. Regarding Answer, Rebuttal, and Cross-Answer Testimony, the parties agree to provide workpapers in support within three business days of the filing.

9. The parties agree to provide all responses to an individual set of discovery served on a given day in a single, combined document.

**C. Findings and Conclusions**

10. The Commission appreciates the conferral efforts that resulted in an uncontested schedule and discovery proposal. We find the proposed procedural schedule acceptable and adopt it in its entirety without modification.

11. The proposed response times and processes to conduct discovery are reasonable, particularly given the remote accommodations. The discovery process proposed by the parties shall be adopted for this proceeding. Discovery requests or responses are not to be filed with the Commission unless accompanying a motion to compel or objection to discovery request.

12. An evidentiary hearing in this matter shall be scheduled for April 19 through 23, 2021. Parties indicate that they reserve the right to request vacating certain hearing dates

depending on how this proceeding progresses. We reserve all five proposed days for the evidentiary hearing.

13. Parties indicate that they are willing and able to hold the evidentiary hearing via remote processes outlined in Decision No. C20-0701-I. As discussed in the Commission's prior decision, the evidentiary hearing shall therefore be conducted remotely via GoToMeeting. Parties are encouraged to review Attachment A to Decision No. C20-0701-I providing information and direction on using GoToMeeting, and to test their ability to use GoToMeeting before the remote evidentiary hearing.

14. We refer all discovery disputes and motions for extraordinary protection regarding discovery matters to an Administrative Law Judge.

15. Given these procedural determinations, we find the prehearing conference scheduled for Friday, October 16, 2020, through Decision No. C20-0701-I, is unnecessary and is therefore vacated.

## **II. ORDER**

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

1. The filing deadlines proposed in the Joint Report Regarding the Procedural Schedule (Joint Report) filed by Black Hills Colorado Electric, LLC on October 12, 2020, on behalf of the intervenors to this proceeding is adopted, consistent with the discussion below.

2. Discovery proposals set forth in the Joint Report are adopted, consistent with the discussion above.

3. A remote evidentiary hearing is scheduled as follows:

DATES: April 19 through 23, 2021

TIMES: 9:00 a.m. to 5:00 p.m. on April 19, 20, 22, and 23, 2021;  
and 11:00 a.m. to 5:00 p.m. on April 21, 2021

METHOD: By video conference using GoToMeeting at a link  
provided to parties by email.

4. The parties may not distribute the GoToMeeting link, and access or ID code to non-participants.

5. All discovery disputes are referred to an Administrative Law Judge.

6. Motions for extraordinary protection regarding discovery matters are referred to an Administrative Law Judge.

7. The prehearing conference scheduled for October 16, 2020, through Decision No. C20-0701-I, is vacated.

8. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONER'S WEEKLY MEETING  
October 14, 2020.**

(S E A L)



ATTEST: A TRUE COPY

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

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners