

Decision No. R20-0062-I

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

PROCEEDING NO. 19AL-0687E

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IN THE MATTER OF ADVICE LETTER NO. 1814 FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO IMPLEMENT THE MODIFIED RESIDENTIAL ENERGY TIME-OF-USE SCHEDULE TO BECOME EFFECTIVE JANUARY 2, 2020.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
CONOR F. FARLEY  
VACATING AND RESCHEDULING  
PREHEARING CONFERENCE AND  
REQUIRING PARTIES TO CONFER AND FILE A  
REPORT BEFORE THE PREHEARING CONFERENCE**

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Mailed Date: January 28, 2020

**I. BY THE COMMISSION**

**A. Statement**

1. On December 2, 2019, Public Service Company of Colorado (PSCo) filed Advice Letter No. 1814-Electric with tariff sheets implementing a Modified Residential Energy Time-of-Use Schedule and related tariff changes. PSCo states that the Advice Letter Filing is made pursuant to the Non-Unanimous Comprehensive Settlement Agreement (Three Case Settlement<sup>1</sup>) approved by Decision No. C16-1075. The Three Case Settlement required that PSCo file the Advice Letter by December 2, 2019.

2. PSCo proposes an effective date of January 2, 2020, as required by the Three Case Settlement. PSCo further requests that the Commission suspend the tariffs, and set the tariffs for hearing, with an effective date of January 1, 2021.

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<sup>1</sup> The Three Case Settlement was filed in Consolidated Proceeding Nos. 16AL-0048E, 16A-0139E, and 15A-0055E and approved by Decision No. C16-1075 on November 23, 2016.

3. By Decision No. C19-1015 issued December 18, 2019, the Commission referred this proceeding to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

4. Also on December 18, 2019, Trial Staff of the Commission and the Office of Consumer Counsel (OCC) each filed a notice of intervention by right and entry of appearance. The deadline for other individuals or entities to seek to intervene in this proceeding is January 17, 2020.

5. On December 27, 2019, PSCo filed a Motion for Extraordinary Protection seeking highly confidential protection for “proprietary system hourly marginal costs information.”<sup>2</sup> PSCo seeks to limit disclosure of this information to Commission Staff, the Office of Consumer Counsel, the Commission (Commissioners, advisors, and the ALJ), and a “reasonable number” of attorneys and subject-matter experts.<sup>3</sup>

6. On January 13, 2020, the ALJ issued Decision No. R20-0029-I that scheduled a prehearing conference for February 5, 2020 at 1:00 p.m. Decision No. R20-0029-I also ordered the parties to confer regarding a schedule for the proceeding and to file a report of the conferral by February 3, 2020.

7. On January 15, 2020, Energy Outreach Colorado filed a Motion to Intervene and Entry of Appearance.

8. On January 16, 2020, the City of Boulder filed a Petition for Leave to Intervene and the Colorado Energy Office filed a Notice of Intervention by Right.

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<sup>2</sup> Motion for Extraordinary Protection at 1.

<sup>3</sup> *Id.* at 5.

**B. Prehearing Conference**

9. The prehearing conference must be rescheduled. After informal conferral with the parties by email, the parties have informed the ALJ that they are available on February 11, 2020 for the prehearing conference. Accordingly, the prehearing conference shall be rescheduled for February 11, 2020 at 9:00 a.m.

10. PSCo and all individuals or entities who intervene as of right or who seek to permissively intervene shall confer in advance of the prehearing conference regarding a schedule for this proceeding. PSCo shall file a report of the results of the conferral. If there is agreement on a procedural schedule, the report shall state as much and detail the stipulated procedural schedule and associated discovery procedures. If agreement is not achieved, the report shall state as much and identify the competing schedules and discovery procedures. The deadline to file the report shall be February 7, 2020.

11. All parties and individuals or entities seeking party-status must appear at the prehearing conference. Failure to attend or to participate in the prehearing conference is a waiver of any objection to the rulings made, to the procedural schedule established, and to the hearing dates scheduled during the prehearing conference.

**II. ORDER****A. It Is Ordered That:**

1. A prehearing conference in this proceeding is scheduled as follows:

DATE: February 11, 2020

TIME: 9:00 a.m.

PLACE: Commission Hearing Room A  
1560 Broadway, 2nd Floor  
Denver, Colorado

2. Public Service Company of Colorado shall file the report identified above by February 7, 2020.

3. This Decision is effective immediately.

( S E A L )



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director