

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0327E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER APPROVING EXPENSES INCURRED FOR THE PERIOD JANUARY 2019 THROUGH DECEMBER 2019 THAT ARE RECOVERED THROUGH THE ELECTRIC COMMODITY ADJUSTMENT AND APPROVING THE CALCULATION OF 2019 SHORT TERM SALES MARGINS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
VACATING HEARING**

Mailed Date: January 11, 2021

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I. BY THE COMMISSION

A. Background

1. A more complete summary of the procedural background of this proceeding is included in Decision Nos. R20-0691-I and R20-0742-I that issued on September 28, 2020 and October 20, 2020, respectively. The background that is most relevant to this decision is recited below.

2. On August 3, 2020, Public Service Company of Colorado (PSCo) filed the Verified Application that commenced this proceeding.

3. On August 31, 2020 and September 2, 2020, the Office of Consumer Counsel (OCC) and Trial Staff of the Commission (Staff) filed notices of intervention by right and entries of appearance, respectively.

4. On October 20, 2020, the Administrative Law Judge (ALJ) issued Decision No. R20-0742-I that, among other things, established a procedural schedule.

5. On December 11, 2020, PSCo filed a Notice of Settlement in Principle, Unopposed Motion to Amend Procedural Schedule, and Request for Waiver of Response Time (Unopposed Motion). In the Unopposed Motion, PSCo stated that it had reached a settlement in principle with Staff and that the OCC, while not a party to the Settlement Agreement, did not oppose it. PSCo requested amendment of the procedural schedule by: (a) vacating the deadline for rebuttal/cross-answer testimony; (b) establishing December 18, 2020 as the deadline for filing the settlement agreement (Settlement Agreement); and (c) establishing January 4, 2021 as the deadline for filing testimony in support of the Settlement Agreement. PSCo also requested that a remote hearing on the Settlement Agreement be held on either January 6 or 7, 2021, “if needed.”¹

6. On December 15, 2020, the ALJ issued Decision No. R20-0891-I that granted the Unopposed Motion, set December 18, 2020 and January 4, 2021 as the deadlines to file the Settlement Agreement and a Motion to Approve the Settlement Agreement, and testimony in support of the Motion to Approve the Settlement Agreement, respectively. Decision No. R20-0891-I also scheduled a hearing on the Settlement Agreement for January 13, 2021, as necessary.

¹ Unopposed Motion at 3 (¶ 3).

7. On December 18, 2020, PSCo and Staff filed an Unopposed Joint Motion to Approve Comprehensive Settlement Agreement and Request for Waiver of Response Time (Unopposed Joint Motion) and attached the Settlement Agreement as Hearing Exhibit 106.

8. On January 4, 2021, PSCo and Staff filed testimony in support of the Settlement Agreement. On the same day, the OCC filed Comments Regarding the Settlement Agreement (OCC's Comments) in which it confirmed that it does not oppose the Settlement Agreement or the Unopposed Joint Motion.

B. Analysis

9. The undersigned ALJ has reviewed the Unopposed Joint Motion, the Settlement Agreement, the testimony filed in support of the Settlement Agreement, and the OCC's Comments. Based on that review, the ALJ has determined that the January 13, 2021 hearing is unnecessary in light of the information contained in those documents. Accordingly, the hearing shall be vacated. A Recommended Decision addressing the Application, as modified by the Settlement Agreement, shall issue as soon as reasonably possible.

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the hearing in this proceeding scheduled for January 13, 2021 is vacated.

2. 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