

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0287EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS ELECTRIC AND NATURAL GAS DEMAND-SIDE MANAGEMENT (DSM) PLAN FOR CALENDAR YEARS 2021 AND 2022.

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

Mailed Date: January 19, 2021

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I. STATEMENT

A. Background

1. On July 1, 2020, Public Service Company of Colorado (PSCo) filed a Verified Application for Approval of its Electric and Natural Gas Demand Side Management Plan (DSM Plan) for Calendar Years 2021 and 2022.

2. From July 8 to 20, 2020, Trial Staff of the Commission (Staff), the Colorado Energy Office (CEO), and the Office of Consumer Counsel filed notices of intervention by right and entries of appearance.

3. From July 20, 2020, to August 3, 2020, the City of Boulder (Boulder), City of Denver (Denver), National Resources Defense Council (NRDC), Sierra Club, Colorado Energy Consumers (CEC), Southwest Energy Efficiency Project (SWEEP), ChargePoint, Inc. (ChargePoint), Energy Efficiency Business Coalition, Energy Outreach Colorado (EOC), and Western Resource Advocates (WRA) filed motions or petitions to intervene. The Administrative Law Judge (ALJ) granted the motions and petitions for intervention in Decision No. R20-0641-I that issued on September 2, 2020.

4. On September 18, 2020, the ALJ issued Decision No. R20-0672-I that, among other things, established a procedural schedule.

5. On October 26, 2020, the ALJ issued Decision No. R20-0751-I that granted an Unopposed Motion to Amend Testimony Deadlines and Request for Waiver of Response Time (Unopposed Motion) filed by PSCo. The basis for the request to extend the deadlines for answer and rebuttal testimony by one week was that the parties were engaged in settlement discussions and the extensions “would be beneficial to these discussions.”¹

6. On November 25, 2020, PSCo filed an Unopposed and Unanimous Notice of Settlement in Principle, Motion to Vacate and Amend Procedural Schedule, and Request for Waiver of Response Time (Second Unopposed Motion). In the Second Unopposed Motion, PSCo requested that (a) the current procedural schedule be vacated; (b) December 3, 2020, be

¹ Unopposed Motion at 3 (¶ 7).

established as the deadline for filing the settlement agreement (Settlement Agreement) and a Motion to Approve the Settlement Agreement; (c) December 14, 2020, be established as the deadline for filing testimony in support of the Settlement Agreement; and (d) a remote hearing on the Settlement Agreement be held on December 21, 2020, or after the holidays.

7. On December 3, 2020, PSCo filed the Settlement Agreement and a Joint Motion to Approve Unopposed Comprehensive Settlement Agreement and Unopposed Motion for Variance (Joint Motion).

8. On December 7, 2020, the ALJ issued Decision No. R20-0846-I that granted the Second Unopposed Motion, established December 14, 2020 as the deadline to file testimony in support of the Settlement Agreement, and scheduled a hearing on the Settlement Agreement for January 21, 2021. Decision No. R20-0846-I stated that the ALJ would make a final decision about whether the hearing would take place after reviewing the settlement testimony.

9. On December 14, 2020, PSCo, Staff, CEO, Boulder, NRDC, Sierra Club, SWEEP, EOC, ChargePoint, and WRA filed testimony in support of the Settlement Agreement, and CEC filed a Statement of Non-Opposition to the Settlement Agreement (Statement of Non-Opposition).

B. Analysis

10. The ALJ has reviewed the Joint Motion, the Settlement Agreement, the testimony filed in support of the Settlement Agreement, and the CEC's Statement of Non-Opposition. Based on that review, the ALJ has determined that the January 21, 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 21, 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