

Decision No. C24-0024-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0392EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2024-2028 CLEAN HEAT PLAN.

**INTERIM COMMISSION DECISION
ESTABLISHING VENUE FOR EVIDENTIARY HEARING
AND ISSUING HEARING PROCEDURES**

Mailed Date: January 11, 2024
Adopted Date: January 3, 2024

I. BY THE COMMISSION

A. Statement

1. On August 1, 2023, Public Service Company of Colorado (Public Service or Company) filed its Clean Heat Plan Application (Application), which requests that the Commission approve the Company's proposed 2024-2028 Clean Heat Plan (Clean Heat Plan).

2. Through this Decision, we establish that the evidentiary hearing scheduled by Decision No. C23-0801-I to take place March 11-15, 2024, and March 18-19, 2024, will be held virtually.

B. Background

3. By Decision No. C23-0746-I, issued November 3, 2023, we set this matter for a hearing before the Commission *en banc*, required the parties to confer on a procedural schedule, and directed Public Service to file a proposed procedural schedule.

4. By Decision No. C23-0801-I, issued December 4, 2023, the Commission established a procedural schedule, including an evidentiary hearing to be held March 11-15, 2024, and March 18-19, 2024. Also by that Decision, the Commission requested that Public Service file a notice of conferral on the evidentiary hearing venue.

5. On December 15, 2023, Public service filed a Notice of Conferral Regarding Hearing Procedures that presented the Company's preferred venue and reported the preferences of the remaining parties.

6. Public Service indicated that its preference (shared by Black Hills Colorado Gas, Inc.) was for an in-person evidentiary hearing. The Company states that an in-person hearing facilitates the ease of presentation of evidence and questioning of witnesses, improves communication between and among the Commissioners and the parties and reduces delays due to technical issues, and in general promotes cordiality and collaboration between parties.

7. Public Service also indicated in its Notice of Conferral that:

- Colorado Energy Office, the Office of the Utility Consumer Advocate, the Colorado Decarbonization Coalition, and Colorado Energy Consumers each prefer a hybrid hearing venue.
- The City and County of Denver prefers hybrid or remote hearing.
- Trial Staff of the Commission and Holy Cross Energy each express no preference.
- City of Boulder, the Conservation Coalition, COSSA/SEIA, Colorado Renewable Energy Society and Physicians for Social Responsibility-Colorado, Energy Outreach Colorado, Western Resource Advocates, and Southwest Energy Efficiency Project each prefer a remote hearing.

8. On December 19, 2023, City of Boulder, the Conservation Coalition, COSSA/SEIA, Colorado Renewable Energy Society and Physicians for Social Responsibility-Colorado, Energy Outreach Colorado, Western Resource Advocates, and Southwest Energy Efficiency Project filed Joint Comments in Support of a Remote Hearing.

In their Joint Comments, they indicate support a fully remote evidentiary hearing because remote hearings have proven to be successful and efficient at the Commission. They argue that continuing the practice of conducting remote hearings will conserve parties' resources and increase the accessibility of the Commission's proceedings. They state that a remote evidentiary hearing conserves resources because many parties retain out-of-state witnesses and also because counsel and witnesses can tailor and prioritize their participation relevant to their interests in the case. They also generally urge the Commission to continue the practice of conducting remote evidentiary hearings because the practice increases accessibility to the Commission's proceedings and advances equity. The Joint Commenters also oppose a hybrid hearing because, in their experience at other state agencies, the remote participants are often at a disadvantage compared to parties that participate in person.

9. Also on December 19, 2023, the Colorado Decarbonization Coalition filed comments in support of a hybrid hearing. The Coalition supports a hybrid hearing because while it acknowledges the benefits of an in-person evidentiary hearing cited by Public Service, it is also concerned about the costs associated with bringing witnesses to Colorado. It also notes that the hearing is currently scheduled for a time that is spring break for many students, increasing the difficulty of travel.

C. Findings and Conclusions

10. In light of the vast majority of parties preferring a remote option for the evidentiary hearing, we will hold this hearing virtually. Considering the comments filed, and the overwhelming support for a virtual hearing, we believe that for this Proceeding, a remote evidentiary hearing is the most appropriate venue choice.

11. We may explore in the future other approaches to hearing venue, including hybrid hearings, but at this time, we find a remote hearing most practicable, efficient, and appropriate in light of the preferences expressed by the parties. However, we do take this opportunity to express our interest in further in-person hearings and activities in the future.

12. The *en banc* evidentiary hearing shall be held remotely. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic evidence presentation at the hearing, including guidance regarding: (1) the assignment of hearing exhibit number blocks; (2) identification of filing requirements for hearing exhibits; (3) formatting of hearing exhibits; (4) filing of executable attachments to hearing exhibits; (5) modifying, amending, or correcting a previously filed hearing exhibit before the deadline for correction; (6) modifying, amending, or correcting a previously filed hearing exhibit after the deadline for correction; and (7) procedures for confidentiality. It is important that the parties review and follow all requirements in this Decision and Attachments A and B.

13. Commission staff will provide the parties with a Zoom links closer to the start of the hearings.

II. ORDER

A. **It Is Ordered That:**

1. Through this Decision, we establish that the evidentiary hearing scheduled by Decision No. C23-0801-I to take place March 11-15, 2024, and March 18-19, 2024, will be held virtually.

2. Consistent with the discussion above, a remote evidentiary is scheduled as follows:

DATE: March 11-15 and March 18-19, 2024

TIME: 9:00 a.m. to 5:00 p.m., except for March 13, 2024, when the hearing shall take place from 1:00 p.m. to 5:00 p.m.

WEBCAST: Hearing Room A

METHOD: Join by videoconference using Zoom at the link to be provided to parties by e-mail.

3. The parties are responsible for sharing the link, meeting ID code, and passcode to witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing.

4. The parties and witnesses are required to participate in the evidentiary hearing by video conference using Zoom. The parties must ensure that they and their witnesses are ready and able to participate in the evidentiary hearing by video conference, including presenting evidence electronically during the hearing using Zoom. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 3, 2024.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners