

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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APPLICATION OF PUBLIC SERVICE)
COMPANY OF COLORADO FOR A WAIVER)
RELATING TO COMMISSION DECISION) DOCKET NO. 96A-039E
NO. C82-1271 AND INVESTIGATION)
AND SUSPENSION DOCKET NO. 1525 -)
PHASE 2.)

RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
ACCEPTING STIPULATION

Mailed Date: May 20, 1996

I. STATEMENT

1. On January 30, 1996, Public Service Company of Colorado ("Public Service") filed an application for a waiver of the following requirement contained in ordering paragraph no. 4 of Decision No. C82-1271 in I&S Docket No. 1525:

Public Service Company of Colorado shall maintain the following records:

- (1) Its total system loads on an hourly basis as scheduled, and
- (2) Accounts by hour of firm and non-firm purchases by kwh and costs (demand and energy) by source. This data shall be made available on computer data files so that accurate summation of time of day may be accomplished and shall be made available to the Staff of the Commission upon request thereof.

2. The Commission gave notice of the application on February 12, 1996. Staff of the Commission intervened on March 15, 1996. At the Open Meeting held March 27, 1996, the Commission by minute entry referred this proceeding to an Administrative Law

Judge for hearing. On April 9, 1996, the matter was set for a hearing to be held on May 16, 1996 in a Commission hearing room in Denver, Colorado.

3. On May 15, 1996, Public Service and Staff filed their Stipulation of Settlement and Motion to Vacate Hearing. The stipulation states that Public Service originally filed the application seeking relief from the data filing requirement because it believed the data was not being used. After filing the application, Public Service discussed the application with the Staff and it appears that Staff desires the data although in a different format. Public Service has agreed to provide the data in a different format by October 1, 1996, and in the new format, on an annual basis by July 1 of each year beginning in 1997. Specifically, Public Service will provide:

- Hourly system load requirement;
- Hourly integrated net generation for all generating units;
- Monthly BTUs of fuel consumed for thermal generating units;
- Monthly fuel and handling costs in dollars per mmBTUs for thermal generating units;
- Monthly fixed and variable operations and maintenance costs for all generating units;
- Heat rate coefficients for thermal generating units;
- Monthly system undistributed operations and maintenance costs;
- Hourly net megawatt hours and cost of purchased power categorized by supplier;
- Banked power costs;

- Monthly average production costs (dollars per megawatt hour) for all generating units;
- Monthly average capacity factor for all generating units.

4. Finally, the parties stipulate that the information provided is commercially sensitive data which is confidential and proprietary. Public Service seeks to provide the data under seal and to have the Commission give confidential treatment to this information, *i.e.*, the data will not be subject to public inspection. Public Service agrees to defend the confidential and proprietary nature of the information before the Commission and/or before a court of law.

5. The proposed stipulation is in the public interest and it is accepted. The information provided is confidential commercial data and as such should be treated by this Commission as confidential and proprietary.

6. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

The Commission Orders That:

1. The Stipulation of Settlement filed May 15, 1996 is accepted. The stipulation is incorporated into this Order as if fully set forth.

2. The Motion to Vacate Hearing filed May 15, 1996 is granted. The hearing scheduled for May 16, 1996 is vacated.

3. The information provided to the Commission pursuant to this Order shall be treated as confidential and proprietary information.


4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the Decision is stayed by the Commission upon its own motion, the recommended decision shall become the Decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the Administrative Law Judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Administrative Law Judge

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