

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0131E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE 345 KV SANDSTONE SWITCHING STATION AND ASSOCIATED FINDINGS REGARDING NOISE AND MAGNETIC FIELD REASONABLENESS.

**INTERIM DECISION
VACATING EVIDENTIARY HEARING AND REMAINDER
OF PROCEDURAL SCHEDULE**

Issued Date: September 11, 2024

I. STATEMENT

1. On March 19, 2024, Public Service Company of Colorado (“Public Service” or “the Company”) filed its Verified Application (“Application”) requesting that the Colorado Public Utilities Commission (“PUC” or “Commission”) grant a Certificate of Public Convenience and Necessity (“CPCN”) to construct the 345 kilovolt (“kV”) Sandstone Switching Station (“Sandstone”) and find that the projected noise and magnetic field levels associated with Sandstone are reasonable and require no further mitigation. Public Service seeks approval of Sandstone as a more cost-effective alternative to the Tundra Switching Station expansion originally approved as part of the Colorado’s Power Pathway 345 kV Transmission Project in Proceeding No. 21A-0096E.

2. On March 20, 2024, the Commission issued a Notice of Application Filed.

3. The Office of the Utility Consumer Advocate (“UCA”) filed its Intervention as a Matter of Right, Request for Hearing, and Entry of Appearance on April 15, 2024.

On April 26, 2024, Trial Staff of the Commission (“Staff”) likewise filed a Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401 and Request for Hearing. Decision No. R24-0368-I, issued May 31, 2024, recognized and acknowledged Staff’s and UCA’s interventions as of right.

4. In addition, Colorado Energy Consumers (“CEC”) filed a Motion to Permissively Intervene on April 18, 2024. Climax Molybdenum Company (“Climax”) filed its Motion to Permissively Intervene on April 19, 2024. Decision No. R24-0368-I granted the motions for permissive intervention filed by CEC and Climax. The parties to this Proceeding are thus Public Service, Staff, UCA, CEC, and Climax.

5. On June 27, 2024, Public Service filed a Notice of Conferral and Unopposed Motion to Approve Consensus Procedural Schedule and Request for Waiver of Response Time. By Decision No. R24-0510-I, issued July 16, 2024, the undersigned ALJ adopted the parties’ proposed procedural schedule and scheduled an evidentiary hearing for September 18, 2024. Under the adopted procedural schedule, the parties were granted until September 6, 2024, to submit any notice of settlement or stipulations. In addition, the following actions remain due under the procedural schedule in effect:

ACTION	DEADLINE
Stipulations/Settlement Agreements:	September 6, 2024
Settlement Testimony:	September 12, 2024
Evidentiary Hearing:	September 18-19, 2024
Statements of Position:	October 8, 2024
250-Day Deadline:	January 6, 2025

6. On September 6, 2024, Public Service filed an Unopposed Motion to Approve Comprehensive Settlement Agreement; Motion to Amend Procedural Schedule and Admit All Pre-Filed Testimony, Attachments, and Pre-Marked Hearing Exhibits; and, Request for Waiver of Response Time. Public Service advised that it had reached an Unopposed Comprehensive Settlement Agreement (“Settlement Agreement”) with Staff (collectively, “the Settling Parties”). Although UCA, CEC and Climax did not join in the settlement, Public Service represents that none of the remaining parties oppose it, either. Public Service asks that the Settlement Agreement be approved without modification and its Application be granted as modified by the Settlement Agreement. Because the Settlement Agreement is relatively uncomplicated, Public Service indicated that it does not believe settlement testimony will be necessary to explain the Settlement Agreement to the Commission.

7. Given that the Settlement Agreement is comprehensive and unopposed, Public Service also requests that the evidentiary hearing currently scheduled for September 18, 2024, be vacated; that the remainder of the procedural schedule governing this Proceeding be likewise vacated; and that response time to its motion be waived. Public Services represents that all Intervenor support the vacation of the evidentiary hearing and remainder of the procedural schedule.

II. VACATION OF EVIDENTIARY HEARING AND REMAINDER OF PROCEDURAL SCHEDULE

8. Having briefly reviewed the parties’ Unopposed Comprehensive Settlement Agreement, the ALJ agrees that an evidentiary hearing is unnecessary at this time. As the Settling Parties have resolved all disputed issues, and no parties dispute any issues addressed in the

Settlement Agreement, the ALJ finds and concludes that an evidentiary hearing need not be convened. The evidentiary hearing scheduled for September 18, 2024, will therefore be vacated.

9. Likewise, any remaining procedural deadlines set by Decision Nos. R24-0510-I, including the September 12, 2024 deadline for settlement testimony and the October 8, 2024 deadline for Statements of Position, are also vacated.

10. In the event the ALJ has any questions regarding the Unopposed Revised Comprehensive Settlement Agreement, the ALJ will address those by separate order.

11. The ALJ reserves ruling on Public Service's Unopposed Motion to Approve Comprehensive Settlement Agreement and will address that portion of Public Service's motion separately.

III. ADMISSION OF PRE-FILED TESTIMONY, ATTACHMENTS, AND PRE-MARKED HEARING EXHIBITS

12. Public Service also requests that all pre-filed testimony, any attachments thereto, and any filed, pre-marked hearing exhibits be admitted into the record in this Proceeding. Public Service represents that no party opposes this request, either.

13. The ALJ finds and concludes that it is reasonable and appropriate and in the interest of procedural efficiency to admit all pre-filed testimony, any attachments thereto, and any pre-marked hearing exhibits filed in this Proceeding thus far. Hearing Exhibits 100-108 and 300, as well as any and all attachments thereto, will be admitted into the record in this Proceeding.

IV. WAIVER OF RESPONSE TIME

1. Pursuant to Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1, a responding party "shall have 14 days after service of the

motion . . . in which to file a response.” Thus, under Rule 1400(b), any response to the parties’ Joint Motion is thus currently due on or before September 20, 2024.

2. However, Rule 1308(b), 4 CCR 723-1, permits the Commission to “shorten or waive response time to a motion upon motion of a party or on its own motion upon a finding that time is of the essence. . . . The Commission can act immediately where response time is waived and after expiration of the shortened response time.”

3. An unopposed motion such as this may be granted before expiration of the time within which to respond to the motion. *See* Rule 1400(a)(II), 4 CCR 723-1. As the Unopposed Motion to Approve is unopposed, the ALJ finds that waiving the response time to the Unopposed Motion to Approve will not prejudice any party. The ALJ will therefore waive response time to the Unopposed Motion to Approve Comprehensive Settlement Agreement; Motion to Amend Procedural Schedule and Admit All Pre-Filed Testimony, Attachments, and Pre-Marked Hearing Exhibits; and, Request for Waiver of Response Time.

V. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Amend Procedural Schedule and Admit All Pre-Filed Testimony, Attachments, and Pre-Marked Hearing Exhibits; and, Request for Waiver of Response Time, filed by Public Service Company of Colorado on September 6, 2024, is granted.

2. The evidentiary hearing scheduled for September 18, 2024, is vacated.

3. The remainder of the procedural schedule, including the September 12, 2024 deadline for settlement testimony and the October 8, 2024 deadline for Statements of Position, is also vacated.

4. Hearing Exhibits 100, 101, 102, 103, 104, 105, 106, 107, 108, and 300, along with any and all attachments thereto, are admitted into evidence in this Proceeding.

5. Response time to the Unopposed Motion to Approve Comprehensive Settlement Agreement; Motion to Amend Procedural Schedule and Admit All Pre-Filed Testimony, Attachments, and Pre-Marked Hearing Exhibits; and, Request for Waiver of Response Time, is waived.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director