

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

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**IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF )  
COLORADO FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
FOR COLORADO’S POWER PATHWAY 345 ) PROCEEDING NO. 21A-XXXXE  
KV TRANSMISSION PROJECT AND )  
ASSOCIATED FINDINGS REGARDING )  
NOISE AND MAGNETIC FIELD )  
REASONABLENESS )**

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**MOTION FOR COMMISSION HEARING *EN BANC***

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Public Service Company of Colorado (“Public Service” or the “Company”) hereby requests that the Colorado Public Utilities Commission (“Commission”) hear this matter *en banc* for the reasons stated herein.

**I. STATEMENT REGARDING CONFERRAL**

1. Because this Motion is being filed concurrently with the Company’s Application initiating this proceeding, at the time of filing this Motion no parties have been granted intervenor status. Accordingly, the Company has not conferred with any party regarding this Motion.

**II. MOTION FOR COMMISSION HEARING *EN BANC***

2. The Commission has clear authority to hear this matter *en banc*. Colorado law vests the Commission with authority to “conduct its proceedings in such a

manner as will best conduce the proper dispatch of business and the ends of justice.”<sup>1</sup> Additionally, pursuant to § 40-6-101(2)(b), C.R.S., “[e]very case submitted to the commission for adjudication must be heard in the first instance by the commission unless, by rule, minute order, or written decision, the commission assigns the case to an administrative law judge or to an individual commissioner for hearing.” Rule 1404 reflects this statutory directive, having adopted almost identical language.

3. Public Service’s Application for a Certificate of Public Convenience and Necessity (“CPCN”) to construct Colorado’s Power Pathway 345 kV Transmission Project (the “Pathway Project” or the “Project”) will directly affect Public Service’s ability to achieve its emission reduction goals and meet its 2030 clean energy target under Senate Bill 19-236, *i.e.*, an emission reduction of 80 percent from 2005 levels by 2030. Moreover, as set forth in the Company’s Direct Testimony, this proceeding involves a significant transmission investment to advance the State of Colorado’s emission reduction objectives. Given the important public policy interests at stake, having this matter heard directly by the Commission in the first instance offers a sensible and efficient procedural approach. Moreover, it promotes administrative efficiency by eliminating time from the procedural schedule for exceptions and response exceptions to a recommended decision.

4. The Company’s Application sets forth a proposed procedural path for the proceeding, including consolidation with potential other CPCN applications by other jurisdictional utilities. The potential for consolidation also supports the Company’s request that the Commission hear this proceeding *en banc*.

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<sup>1</sup> § 40-6-101(1), C.R.S.

### III. REQUEST FOR RELIEF

Wherefore, Public Service Company of Colorado respectfully requests that the Commission preside over this proceeding *en banc*.

Dated this 2nd day of March 2021.

Respectfully submitted,

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**ATTORNEYS FOR PUBLIC SERVICE  
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