

145 FERC ¶ 61,266  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

December 23, 2013

In Reply Refer To:  
Public Service Company of  
Colorado

Docket Nos. ER12-1589-000  
EL12-77-000  
(Consolidated)

Jones Day  
Attn: James M. Beh, Esq.  
Attorney for Public Service Company  
of Colorado  
51 Louisiana Avenue, NW  
Washington, DC 20001

Dear Mr. Beh:

1. On October 7, 2013, the Public Service Company of Colorado (PSCo) filed, on behalf of itself and all intervening parties<sup>1</sup> (collectively, Settling Parties), an Offer of Partial Settlement (Partial Settlement) in the above-referenced consolidated proceeding. The Partial Settlement resolves all issues surrounding PSCo's formula rate template and implementation procedures,<sup>2</sup> except for the return on equity (ROE) for two time periods from (1) July 1, 2012 through November 16, 2012 (the locked-in period); and (2) November 17, 2012, prospectively.<sup>3</sup> On October 28, 2013, Commission Trial Staff filed initial comments in support of the Partial Settlement. No reply comments were filed. On

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<sup>1</sup> The intervening parties include Grand Valley Rural Power Lines, Inc., Intermountain Rural Electric Association, Tri-State Generation and Transmission Association, Inc., and Yampa Valley Electric Association, Inc.

<sup>2</sup> *Pub. Serv. Co. of Colorado*, 139 FERC ¶ 61,223 (2012); *Grand Valley Rural Power Lines, Inc., et al. v. Pub. Serv. Co. of Colorado*, 141 FERC ¶ 61,019 (2012).

<sup>3</sup> The Settling Parties have agreed, as reflected in the Partial Settlement, to litigate the single issue of ROE as part of a separate hearing in these proceedings.

November 13, 2013, the administrative law judge certified the Partial Settlement to the Commission as uncontested.<sup>4</sup>

2. Section IV of the Partial Settlement governs the standard of review and provides that absent mutual agreement of the Settling Parties in writing, any changes proposed unilaterally by a Settling Party shall be subject to the public interest standard of review. Further, the standard of review for any changes proposed by a non-party or the Commission acting *sua sponte* shall be the ordinary just and reasonable standard of review, not the public interest standard.

3. The Partial Settlement appears to be fair and reasonable and in the public interest and is hereby approved. Refunds and adjustments shall be made pursuant to the Partial Settlement.

4. The Commission's approval of the Partial Settlement does not constitute approval of, or precedent regarding, any principle or issue in this consolidated proceeding. The Commission retains the right to investigate the rates, terms, and conditions under the just and reasonable standard of section 206 of the Federal Power Act.<sup>5</sup>

5. The Partial Settlement was not filed in eTariff format required by Order No. 714.<sup>6</sup> Therefore, PSCo is directed to make a compliance filing within 30 days in eTariff format to reflect the Commission's action in this order, and to incorporate into Attachment O-PSCo to the Xcel Energy Operating Companies' Joint Open Access Transmission Tariff the approved tariff revisions from the Partial Settlement attachments.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

cc: All Parties

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<sup>4</sup> *Grand Valley Rural Power Lines, Inc., et al. v. Pub. Serv. Co. of Colorado*, 145 FERC ¶ 63,012 (2013).

<sup>5</sup> 16 U.S.C. § 824e (2012).

<sup>6</sup> *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).