

**BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING**

IN THE MATTER OF THE APPLICATION OF )  
CHEYENNE LIGHT, FUEL AND POWER )  
COMPANY dba BLACK HILLS ENERGY FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT AND )  
OPERATE ONE NEW 230 kV SUBSTATION, )  
TWO REPLACEMENT 115 kV SUBSTATIONS, )  
THREE 230 kV TRANSMISSION LINES, TWO )  
115 kV TRANSMISSION LINES AND )  
RELATED FACILITIES IN CONVERSE, )  
LARAMIE, GOSHEN AND PLATTE )  
COUNTIES IN WYOMING AND SCOTTS )  
BLUFF COUNTY IN NEBRASKA )

DOCKET NO. 20003-206-EN-22  
(RECORD NO. 16998)

**SCHEDULING ORDER**  
**(Issued April 26, 2022)**

This matter is before the Wyoming Public Service Commission (Commission) to establish a procedural schedule for the proceedings in the above-docketed matter.

The Commission, having reviewed its files in this matter, the parties' positions and comments at the scheduling conference, and being otherwise fully advised in the premises, FINDS AND CONCLUDES:

1. Through email correspondence and a conference call held on April 20, 2022, between Wesley Neuman, Commission Counsel, Jana Smoot White, Counsel, and Kyra Coyle, Director of Regulatory and Finance, for Cheyenne Light Fuel and Power Co. (CLFP), Cameron Sabin, and John Coppede, Counsel for Microsoft, Rachel Collins, Counsel, and Anthony Ornelas, Deputy Administrator, for the Office of Consumer Advocate (OCA), Abigail Briggerman, Counsel for Basin Electric Power Cooperative (Basin), Kara Ellsbury, Counsel for Powder River Energy Corporation (PRECorp), Thomas Dougherty, Counsel for Tri-State Generation and Transmission Association, Inc. (Tristate), Doyle Davies, Counsel, and Rosemary Henry, Executive Director for Wyoming Municipal Power Agency (WMPA), Rick Thompson and Sean Larson, Counsel for Dyno Nobel Inc. (Dyno), and Dale Cottam and Ronald Lopez, Counsel for HollyFrontier Cheyenne Refining LLC (HollyFrontier), the following procedural schedule was agreed upon.

2. The Commission's hearing room is designed to accommodate the display of electronic documents to aid in the increased convenience during hearings. The Commission will utilize the electronic hearing room during the instant proceeding, which will require the Parties to submit electronic exhibit hearing books along with other attendant changes. Accordingly, this *Scheduling Order* is issued to describe and clarify the document filing and exhibit submittal processes.

3. The Commission's hearing room is also designed to accommodate remote appearances. The Commission may allow the utilization of the hearing room's electronic

capabilities during the instant proceeding to accommodate remote appearances, for good cause shown or by the Commission’s own determination, based on any applicable national, state or local public health related orders or directives. Training, if necessary, will take place at the pre-hearing conference, scheduled for August 8, 2022, at 10:00 a.m., for any parties’ attorneys or witnesses appearing remotely.

### SCHEDULE DEADLINES

4. The following procedural schedule, agreed upon by the Parties is accordingly set (all times are Mountain Time):

Deadline for Intervenors to complete discovery on Applicant testimony. <b><i>All responses are due within 5 business days of receipt</i></b>	Friday, May 27, 2022	
Deadline for Intervenors to pre-file direct testimony.	Friday, June 10, 2022	3:00 p.m.
Deadline for all parties to complete discovery on Intervenors’ pre-filed direct testimony. <b><i>All responses are due within 5 business days of receipt.</i></b>	Friday, July 1, 2022	
Deadline for all parties to file rebuttal testimony and for Intervenors to file cross-answer testimony.	Tuesday, July 12, 2022	
Deadline to complete all discovery. <b><i>All responses are due within 5 business days of receipt.</i></b>	Tuesday, July 26, 2022	
Deadline for all parties to exchange exhibits. <b>(Discovery responses received 5 days after Tuesday, July 26, 2022, may be added as an exhibit after the deadline.)</b>	Monday, August 1, 2022	
Deadline for parties to file any pre-hearing reports, pre-hearing motions, any objections to pre-filed testimony and exhibits. Deadline to file exhibits, and exhibit index (see paragraphs 3, 5 and 6)	Friday, August 5, 2022	3:00 p.m.
Pre-hearing Conference (see paragraphs 8 and 9)	Monday, August 8, 2022	10:00 a.m.
Exhibit Conference	Monday, August 22, 2022	8:30 a.m.
Public Hearing <b>(4 day)</b>	Monday, August 22, 2022	9:00 a.m.

### FILING DOCUMENTS WITH COMMISSION

5. On August 5, 2022, all pre-filed direct, rebuttal and cross-answer testimony, pre-hearing documents, exhibits (please follow the attached special instruction for the electronic filing of exhibits) and the exhibit index, are to be filed with the Commission electronically on the Commission’s Docket Management System (DMS) website at <http://dms.wyo.gov>. All filings shall also be served on all parties on or before the deadline dates. Such filings and all attachments shall be uploaded in “searchable .pdf” format. If you are not clear on this process, contact the Commission’s IT staff for assistance at 307-777-7427. All pre-filed, rebuttal and cross-answer testimony shall be sworn and notarized. On August 22, 2022, by 8:30 a.m., the parties shall file for use by the court reporter 1 bound copy of their exhibits, exhibit index, as follows:

- a) Individually tabbed, consecutively bates stamped, and bound in a three-ring binder (which shall not exceed 4 inches in width);
- b) All bates stamping will be located at the bottom, right hand corner of each document;
- c) If more than one binder is required, each binder shall be separately identified as Vol. I, Vol. II, etc., and shall show which exhibits are included therein;
- d) All binders shall include a binder cover sheet and spine label (if the binder includes confidential material please print the cover sheet, label, and all confidential materials on **yellow paper**);
- e) See the following examples for formatting exhibit tabs:

Applicant Company  
Exhibit 1 - Map

Applicant Company  
Vol. I, Exhibit 1

Applicant Company  
Vol. II, Exhibit 12

- f) In the event the parties reach a stipulation and agreement, the stipulation shall be marked as Joint Exhibit A with stipulation testimony of the parties to follow as Joint Exhibits B, C, D, etc.

### INSTRUCTIONS FOR FORMAT AND SUBMISSION OF EXHIBITS

6. Exhibit indexes shall set forth the proper numbering of exhibits, consistent with the party's presentation of witnesses. The exhibit indexes shall refer to numbered, labeled and page numbered exhibits the party intends to offer into the record. At the Exhibit Conference on August 22, 2022, the parties shall submit a bound copy of their exhibits and exhibit index, to be submitted to the Court Reporter when the Hearing Officer accepts the exhibits into the record as follows:

- a) Exhibits shall be individually tabbed and bound in a three-ring binder. The binder shall NOT exceed 3 inches in width and all pages in the binder shall turn freely.
- b) Exhibit tabs shall only identify the exhibit number. For purposes of exhibit labeling, the following numbering system shall be used:

<b>Party</b>	<b>Numbers</b>
CLFP*	1-99
Commission (Not a Party)	100-199
OCA	200-299
Microsoft	300-399
Tri-State	400-499
Basin	500-599
PRECorp	600-699
WMPA	700-799
Dyno	800-899
HollyFrontier	900-999
Joint Exhibits**	A-Z

\*CLFP shall include its “Application” filed on February 15, 2022, as Exhibit 1. CLFP shall number all Sections attached to the Application as separate exhibits.

\*\*In the event the parties reach a stipulation and agreement, the stipulation shall be marked as Joint Exhibit A with stipulation testimony of the parties to follow as Joint Exhibits B, C, D, etc.

c) If more than one binder is required, each binder shall be separately identified as Vol. I, Vol. II, Exhibits 26-38; etc., and shall show which exhibits are included therein.

d) All binders shall include a binder cover sheet and spine label (if the binder includes confidential material please print the cover sheet, label, and all confidential materials on yellow paper).

e) Each exhibit shall be individually page numbered with exhibit numbers located on the upper right-hand corner of the first page of each exhibit and all page numbering located at the bottom, right hand corner of each page.

f) Electronic copies of exhibits and the exhibit index shall be submitted on portable media to the Commission in PDF format, using the spreadsheet in Attachment 1 and the instructions in Attachment 2 of this *Order*. Exhibits containing confidential information shall be highlighted in yellow.

7. All discovery shall be completed prior to the date of the pre-hearing conference. To the extent possible, parties should resolve discovery disputes among themselves. Failing in this, the parties shall bring disputed discovery matters immediately to the attention of the Commission as pleadings with any documentation reflecting the dispute. The moving party in any such discovery dispute must certify that it has in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure the disclosure without Commission action. The Commission waives any restriction on the number of discovery requests, but the parties retain the right to object if abuse of this waiver occurs. The parties are directed to be prepared to address the themes and topics mentioned in the public comments and customer complaints, if any, in pre-filed testimony and/or the public comment or full evidentiary hearings.

### PRE-HEARING CONFERENCE

8. Prior to the Pre-Hearing Conference scheduled on August 8, 2022, at 10:00 a.m., the parties shall confer regarding stipulations to uncontroverted facts and the use of joint exhibits to avoid unnecessary duplication. At the Pre-Hearing Conference, each party, shall have thoroughly reviewed all proposed exhibits of the other parties and be prepared to acknowledge the specific exhibits to which they intend to object to and the specific exhibits to which they will stipulate to admission. By August 5, 2022, each party shall file with the Commission the following described pre-hearing report documents. ***The parties shall segregate the required information into separate documents:***

a) A current summary of the contention of the party entitled “(Party name) Updated Summary of Contentions.”

b) A summary of remaining issues of fact and law for determination by the Commission.

c) For each witness who will testify to matters not included in pre-filed testimony, a brief summary of the witness's proposed testimony which specifies the issue(s) to which the testimony will be directed together with an estimation of the length of time it will take to present the party's case.

d) A single, stipulated (by all parties) current summary of the uncontroverted and stipulated facts entitled, "Stipulated Summary of Uncontroverted Facts." This item is to be filed jointly by all the parties rather than individually.

9. Parties not able to attend the Pre-Hearing Conference in person may participate by the following means:

Zoom Meeting: <https://us02web.zoom.us/j/86965434562>

Or by Dialing: +1 669-900-9128 US  
+1 253-215-8782 US  
Meeting ID: 869 6543 4562

Parties appearing by telephone are asked to contact Jozy Kline prior to the Pre-Hearing Conference at (307) 777-5716 or [jozy.kline@wyo.gov](mailto:jozy.kline@wyo.gov) to advise the Commission that they will be participating by Zoom Meeting, phone or in person.

#### MISCELLANEOUS

10. No late-filed documents will be accepted for filing by the Commission without an accompanying motion for good cause shown by the party missing any deadline set forth in paragraph 4 above.

11. Any party that wishes to cease participation in this proceeding shall file a *Petition for Leave to Withdraw*, which shall include a statement or explanation describing the effect, if any, on the public interest and the orderly and efficient conduct of the proceeding of such party's withdrawal. Parties shall be permitted to withdraw only upon a showing that no material detriment to the public interest or the orderly and efficient conduct of the proceeding is likely to result therefrom.

12. The Commission may direct the prevailing party to file a proposed order, with findings of fact and conclusions of law, within 10 business days of the rendering of a decision in this matter. The non-prevailing party may file a response within 5 days of the filing of the proposed order. In the event of stipulation, the Commission may direct the parties to file a joint proposed order within 10 days of the Commission's rendering of a decision.

13. The public hearing regarding the above captioned matter will commence on August 22, 2022, at 9:00 a.m., at the Commission's offices located at 2515 Warren Avenue, Suite 300, in Cheyenne, Wyoming.

14. This *Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, on April 26, 2022.

(SEAL)



BY ORDER OF THE COMMISSION

*Wesley G. Neuman*

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