

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23V-0050E

IN THE MATTER OF THE PETITION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR APPROVAL OF A PARTIAL VARIANCE FROM COMMISSION RULE 3605(A)(II) TO EXTEND THE FILING DATE OF ITS NEXT ELECTRIC RESOURCE PLAN UNTIL ON OR BEFORE DECEMBER 1, 2023, REQUEST FOR WAIVER OF THE NOTICE AND INTERVENTION PERIOD, AND REQUEST FOR AN EXPEDITED DECISION.

COMMISSION DECISION GRANTING PETITION

Mailed Date: February 16, 2023
Adopted Date: February 15, 2023

I. BY THE COMMISSION

A. Statement

1. This Decision grants the petition filed by Tri-State Generation and Transmission Association (Tri-State) on January 27, 2023, for a partial variance to extend the filing date for its next Electric Resource Plan (ERP) under Rule 3605(a)(II) from June 1, 2023, to December 1, 2023.

B. Discussion

2. Pursuant to Rule 3605(a)(II), Tri-State is required to file its next ERP on or before June 1, 2023. Tri-State requests a partial variance that would extend the filing deadline by six months, in order to file that ERP on or before December 1, 2023. The variance would terminate upon the filing of the next ERP.

3. Tri-State states that its 2020 ERP remains ongoing at the time of this filing in Proceeding No. 20A-0528E. Its ERP Implementation Report is due to be filed on or before

February 13, 2023, with a Commission decision anticipated on or before May 15, 2023, under Rule 3605(h)(II)(A). Accordingly, the 2020 ERP would not conclude until approximately two weeks before the currently required filing date of June 1, 2023. While stating that it has conducted significant preparations for its next ERP, such as initiating an Effective Load Carrying Capacity Study, Tri-State explains that the extension of time will allow it to incorporate the results of the current Phase II process into its resource planning and to conduct appropriate stakeholder outreach on its next Phase I filing. It further explains that modeling and testimony preparation for the next ERP are material efforts which will require substantial time and labor to complete.

4. With respect to conferral, Tri-State represents that it conferred with all parties to Proceeding No. 20A-0528E and that no parties oppose its request for relief. According to Tri-State, its request is supported by: Big Horn Rural Electric Company, Carbon Power & Light, Inc., Highline Electric Association, High West Energy, Inc., Wheatland Rural Electric Association, Wyrulec Company, Inc., Niobrara Electric Association, High Plains Power, Inc., Garland Light & Power Co., Staff, the Colorado Solar and Storage Association, the Colorado Energy Office, the Conservation Coalition (comprised of Natural Resource Defense Council, Sierra Club, and Western Colorado Alliance), Southwest Energy Efficiency Project, and Western Resource Advocates. K. C. Electric Association, Morgan County Rural Electric Association, Mountain View Electric Association, Inc., Poudre Valley Rural Electric Association, Southeast Colorado Power Association, the Colorado Independent Energy Association, and the Office of the Utility Consumer Advocate, do not oppose the requested relief. Interwest Energy Alliance, Vote Solar, and Delta-Montrose Electric Association take no position.

5. Tri-State also requests that the Commission waive the notice and intervention period set forth in Rule 1206 for the petition, given it has already conferred with parties to

Proceeding No. 20A-0528E. Additionally, given the timelines necessary to prepare the next ERP filing, Tri-State requests the Commission issue a decision on this petition as soon as possible, ideally on or before March 1, 2023.

6. Notwithstanding Tri-State's conferral with certain parties, the Commission established a shortened notice and intervention period by Decision No. C23-0077-I issued February 2, 2023. No interventions were filed by the deadline of February 9, 2023.

C. Findings and Conclusions

7. Paragraph 1403(a) of Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1403 of the Commission's Rules of Practice and Procedure states that the Commission may determine any petition without a hearing and without further notice if the petition is uncontested or unopposed.

8. We find good cause to grant the unopposed petition. We agree with Tri-State that the requested delay for the filing of its next ERP will promote administrative efficiency including the incorporation of relevant data from its current ERP, which remains open as of this Decision, and the engagement of stakeholders.

II. ORDER

A. It Is Ordered That:

1. The petition filed by Tri-State Generation and Transmission Association on January 27, 2023, for a variance from Rule 3605(a)(II) of the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* 723-3 is granted, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 15, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners