

Decision No. C23-0425-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0242E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR APPROVAL OF ITS 2024-2026 TRANSPORTATION ELECTRIFICATION
PLAN

**INTERIM COMMISSION DECISION DEEMING
APPLICATION COMPLETE, SETTING MATTER FOR
HEARING, ADDRESSING INTERVENTIONS; GRANTING
PRO HAC VICE MOTIONS; ORDERING RESPONSE TIME
ON MOTION FOR EXTRAORDINARY PROTECTION;
AND DIRECTING PUBLIC SERVICE TO FILE
SUPPLEMENTAL DIRECT TESTIMONY**

Mailed Date: June 23, 2023

Adopted Date: June 21, 2023

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I. BY THE COMMISSION**A. Statement**

1. On May 15, 2023, Public Service Company of Colorado (Public Service or Company) filed an application (Application) to approve its proposed 2024-2026 Transportation Electrification Plan (TEP), in accordance with Senate Bill (SB) 19-077.

2. By this Decision, the Commission deems the Application Complete, sets the matter for hearing, and directs Public Service to file Supplemental Direct Testimony addressing certain topics. Also through this Decision, consistent with the discussion below, we establish the parties to this Proceeding. Specifically, we grant requests for permissive intervention filed by Tesla, Inc. (Tesla); the City and County of Denver (Denver); Colorado Energy Consumers (CEC); Western Resource Advocates and Sierra Club (jointly, Environmental Organizations); ChargePoint, Inc. (ChargePoint); Southwest Energy Efficiency Project (SWEEP); EVgo Services LLC (EVgo); the Regional Transportation District (RTD); Americans for Affordable Clean Energy (AACE); the City of Boulder (Boulder); Energy Outreach Colorado (EOC); Independent Electrical Contractors Rocky Mountain Association (IECRMA); Black Parents United Foundation, Cultivando, GreenLatinos, GRID Alternatives, Mi Familia Vota, National Association for the Advancement of Colored People (NAACP) Denver Branch, Vote Solar, and Womxn from the Mountain (collectively, the Environmental Justice Coalition); Electrify America, LLC (Electrify America); EV Energy Corp. (EV Energy); and Climax Molybdenum Company (Climax). Further, we acknowledge the notices of intervention of right filed by Staff of the Colorado Public Utilities Commission (Staff), the Utility Consumer Advocate (UCA), and the Colorado Energy Office (CEO).

3. In addition, we (1) grant the requests for Andrew P. Mortatzka and Lilly B. McKenna to appear *pro hac vice* to represent AACE in this matter; and (2) set response time to the Motion for a Protective Order Affording Extraordinary Protection for Highly Confidential Customer Information filed by Public Service on June 13, 2023, for seven days from the mail date of this Decision.

4. In this Decision, the Commission denies Public Service's request in its Consolidated Response to Public Charging Providers' Motions to Intervene (Consolidated Response) filed on June 20, 2023. Relatedly, the Commission denies as moot the Motions for Leave to Reply filed by ChargePoint and EVGo on June 20, 2023, and filed by Electrify America on June 21, 2023,

5. Consistent with the discussion below, the Commission will determine whether to refer this matter to an Administrative Law Judge, a hearing Commissioner, or to hear the case *en banc* at a future date.

B. Application and Supplemental Direct Testimony

6. In 2019, Colorado enacted SB 19-077, establishing new requirements for electric public utilities to file a TEP application with the Commission every three years beginning May 15, 2020.¹ The Company's inaugural TEP covered the period of time from 2021-2023. Public Service states that its current Application for the 2024-2026 TEP builds off of the practices and lessons learned through implementing its inaugural TEP and is designed to support Colorado's goal of having 940,000 electric vehicles (EVs) on the road by 2030.

¹ § 40-5-107(1)(a), C.R.S.

7. Public Service organizes its proposed TEP programs into six portfolios. Comprising these six portfolios are numerous programs all aimed to support widespread transportation electrification within Public Service's service territory. Some of the Company's proposed programs include an advisory program that helps commercial customers analyze whether to electrify their fleets, rebates for the purchase of new or used EVs, providing Company-owned EV supply infrastructure, managed charging programs to incentivize residents to charge their EVs during off-peak times, and a proposal in which Public Service would install, own, and operate public charging stations.²

8. Public Service's proposed budget for the 2024-2026 REP is \$439 million. We note that the proposed budget of the Company's inaugural TEP was \$108 million. Even with the proposed expansion of the TEP budget, Public Service testifies that the projected EV load growth still puts downward pressure on customer rates.³

9. The most expensive of the Company's six portfolios is the Public Charging Acceleration Network in which the Company owns and maintains public fast chargers. The Public Charging Acceleration Network portfolio has a proposed budget of \$145.1 million. Whereas the Commission only authorized Public Service to install and own approximately 25 public fast chargers in the Company's inaugural TEP, Public Service now seeks to develop up to 460 public fast chargers.⁴ Public Service argues that this significant increase in investment provides necessary support to achieve the State's EV goals and will still continue to put downward pressure on rates.⁵

² HE 101 (Ihle Direct), p. 34; HE 103, Attachment HS-1, pp. 6-9.

³ HE 101 (Ihle Direct), p. 50.

⁴ HE 103, Attachment HS-1, p. 32.

⁵ HE 101 (Ihle Direct), pp. 58-59.

10. After our initial review of the Company's 2024-2026 TEP and associated testimony, we find that Supplemental Direct Testimony on certain topics is appropriate. To begin, we direct Public Service to address press reports that its parent company withdrew a similar transportation electrification plan in Minnesota and the potential implications, if any, that this withdrawal has on the Company's efforts in Colorado. Such potential impacts could involve less commitment from executive leadership toward owning and operating an EV charging network, or spreading the fixed costs associated with developing and running a Company-owned network of chargers over a significantly smaller base of invested capital.

11. Second, we request that Public Service provide additional information on the costs and revenues of its Company-owned fast chargers, including utilization rates. For any existing Company-owned fast chargers, the Company shall, to the extent reasonably practicable, specify for each station the all-in costs (including the costs for the EV supply infrastructure and the EV supply equipment), revenues (including utilization rates), timing of charging completed at the station, and the uptime of the station. If data is not available by station, please provide average data. In addition to this historical data, we request that the Company provide any projections on how costs and revenues are expected to change going forward. To the extent reasonably practicable, Public Service should also provide a similar analysis of the projected costs and revenues (including utilization rates) for the Company-owned fast chargers that Public Service anticipates building. The objective of this request is to have a high-level overview of the business case associated with these investments.

12. Third, Public Service shall address possible uses of its Demand Response Management System (DRMS) in the context of transportation electrification, and whether the Company is planning to pursue any such use. Public Service proposed a DRMS pilot as part of its

recent distribution system planning proceeding and additional information on how the Company plans to optimize DRMS for vehicle electrification is appropriate in this Proceeding.

13. Fourth, we direct Public Service to submit Supplemental Direct Testimony analyzing a different incentive approach for high volume drivers in which a subsidized lower charging rate is used instead of upfront rebates. In its 2024-2026 TEP, Public Service proposes a EV purchase rebate program for Transportation Network Companies (TNCs) and Delivery Network Companies (DNCs) in which an upfront EV purchase rebate is provided to encourage high-mileage TNC and DNC drivers to purchase or lease an EV.⁶ Public Service shall analyze an alternative incentive approach in which, instead of an upfront rebate, the Company uses lower charging rates to encourage high volume drivers to use EVs. In other words, the Company shall examine whether reducing the overall cost of EV operation through charging rates is a more effective means of encouraging high volume drivers to use EVs compared to another EV purchase rebate similar to what is available under state and federal law.

14. Public Service shall have three weeks from the mail date of this Decision to file the Supplemental Direct Testimony on the four topics set forth above.

C. Completeness

15. For purposes of § 40-6-109.5, C.R.S., the Commission deems the Application complete. Staff filed no deficiency letter with respect to the Application pursuant to Rule 1303 of the Rules of Practice and Procedure, 4 CCR 723-1, and the Application appears to meet the requirements prescribed by Commission rules and decisions.

⁶ HE 103, Attachment HS-1, pp. 28-30.

16. The Commission finds good cause to set the Application for hearing. We will determine whether to hear this matter *en banc* at a future date and will establish procedures for the hearing by separate decision after scheduling the hearing dates and otherwise establishing a procedural schedule.

D. Interventions and Parties to Proceeding

1. Motions for Permissive Intervention

17. We find it appropriate to address procedural matters, including establishing parties to the Proceeding based on the timely filed requests for intervention. Two classes of parties may intervene in proceedings such as this: parties with a legally protected right that may be impacted by the proceeding (intervention of right), and parties with pecuniary or tangible interests that may be substantially impacted by the proceeding (permissive intervention).

18. On May 16, 2023, the Commission issued notice of Public Service's Application and set an intervention deadline of June 15, 2023. The Commission received 16 timely requests for permissive intervention from the following entities: Tesla, Denver, CEC, the Environmental Organizations, ChargePoint, SWEEP, EVgo, RTD, AACE, Boulder, EOC, IECRMA, the Environmental Justice Coalition, Electrify America, EV Energy, and Climax.

19. Tesla is a developer in EVs, charging stations, and clean energy products and services. Tesla states that it does not have an identity of interest with any other party because Tesla is both a manufacturer and direct seller of EVs and the owner and operator of a national charging network. Tesla claims that, as a developer in EVs, charging stations, and clean energy products and services, the Company's Application could directly and substantially affect Tesla's business investments in Colorado.

20. Denver is a home rule city and county, municipal corporation, and political subdivision, and states that the TEP will affect rates and charges on the citizens it represents.

21. CEC is an association of large corporations and entities. It states its customers' interests will be affected, particularly in ensuring its members pay rates that are just and reasonable, not "cross-subsidized," and that funds collected from the various programs at issue are transparent. CEC also argues that some of its members include large commercial enterprises with potential interest in TEP programming and as such, CEC has a pecuniary and tangible interest in ensuring that the roll-out of these programs is cost-effective, reasonable and provides value to CEC members.

22. The Environmental Organizations state they have an interest in reducing economy-wide emissions through transportation electrification and decarbonizing the electricity grid throughout the Interior West in a manner that is beneficial to both ratepayers and the environment. WRA and Sierra Club were actively engaged in Commission proceedings involving electrification of the transportation sector, including Public Service's prior TEP proposal. In addition, WRA and Sierra Club were active participants in several rulemakings before the Air Quality Control Commission related to transportation electrification, including the 2019 Zero Emission Vehicle rulemaking and the 2022 Advanced Clean Truck rulemaking.

23. ChargePoint is an EV charging network that sells smart charging solutions to businesses and organizations, including existing and prospective customers in Colorado. ChargePoint claims its stated interest in this Proceeding is that Public Service's proposed home wiring, EV chargers, and EV supply infrastructure, and Public Service's proposal to own and operate additional direct current fast chargers (DCFCs) through its proposed Public Charging Acceleration Network and sell charging services to EV drivers at a tariffed rate will impact

ChargePoint's ability to sell DCFCs to prospective site hosts in Public Service's service territory. and other proposals will directly affect ChargePoint's sales, offerings, products, and services.

24. SWEEP is a regional nonprofit aimed at addressing energy efficiency and clean transportation, and states its interests in accelerating transportation electrification "and unlock[ing] one of the largest available pools of energy efficiency potential in Colorado's economy."

25. EVgo is an EV service provider, with 88 fast chargers in Colorado (most located in Public Service territory) and states that it is expanding its business in the Company's territory. As a commercial customer of Public Service, EVgo states it has a pecuniary and tangible interest in the outcome of the proceeding and lists specific proposed schedules, services, and related filings from the Company that it will examine in the proceeding. Also, EVgo cites direct impacts that the Company's proposed plan will have on the nature, growth, and economics of the competitive market for direct current fast charging in the Company's service territory, a market in which EVgo is currently an active participant with plans for expansion as justification for its intervention.

26. RTD is a political subdivision authorized under Colorado statutes to develop, maintain, and operate a mass transportation system in Colorado. RTD plans to address issues in this Proceeding that could affect its electric bus and support vehicle fleets, and provision of clean, affordable transportation. Through its filing, RTD states it is an intervenor as of right, or in the alternative, requests the Commission grant it permissive intervention.

27. AACE's members operate over 200 gas stations, convenience stores, and travel centers in Colorado. AACE's mission is to educate the public and advocate for consumer-focused low carbon transportation energy policies, including the swift development of EV charging station infrastructure and related technology to communities throughout the United States, in order to promote clean energy and a reduction in greenhouse gas emissions. AACE states that its interest

derives from the Company's proposal to invest significant ratepayer dollars in developing infrastructure that AACE-members also seek to develop, and have already developed, through the investment of private capital.

28. Boulder is a municipal city and corporation that is also a large customer of Public Service that lists a number of issues in the application that could affect its residents.

29. EOC is a nonprofit that "ensure[s] low-income Colorado households can meet their home energy needs." Pursuant to § 40-8.5-104, C.R.S., EOC collects and disburses low-income energy assistance funds, as well as voluntary contributions from utility customers pursuant to the Colorado Low-Income Energy Assistance Act, § 40-8.7-101, C.R.S., *et seq.* These funds are disbursed to provide income-qualified energy assistance and to improve energy efficiency for the benefit of IQ customers. EOC wishes to ensure that the Income-Qualified offerings for the 2024-2026 TEP are accessible, and its associated budgets remain robust, just, and reasonable. EOC states its interest in this Proceeding is in ensuring that the final TEP includes robust opportunities for the Company's IQ and equity eligible customers and communities.

30. IECRM is a non-profit trade association and training program based in Northglenn, Colorado which serves approximately 300 electrical contracting companies and industry partners specializing in residential, commercial, industrial, solar, EV, limited energy, low voltage, and systems automation work in the electrical and renewable energy industry in Colorado and Wyoming. It states that most IECRM contractors work within the Public Service service area. IECRM states that its interests of the association and its members in this TEP are substantial and that: "IECRM members have traditionally installed commercial Direct Current Fast Charging, Electric Vehicle Supply Infrastructure (EVSI), and Electric Vehicle Supply Equipment. However, the adoption of the Public Service 2021-2023 TEP and the PUC's approval of Public Service

ownership of EVSI in that proceeding has significantly impacted IECRM members' ability to compete for commercial EVSI installation contracts."

31. The Environmental Justice Coalition is a coalition of filers with combined interests and represent environmental justice concerns throughout Colorado. The intervention pleading addresses a number of issues in the proceeding affecting these communities that the filers plan to jointly address, including tangible equity and environmental justice interests in advancing a prompt and equitable move to a cleaner transportation sector.

32. Electrify America, an operator of an EV charging network, states it is investing \$2 billion over ten years in zero-emissions vehicle infrastructure, education, and awareness. Because it has existing and potential customers in Public Service's territory, Electrify America states it has a direct and substantial interest in the TEP, specifically in that it is developing DCFC stations along the major highway corridors in Colorado. It states that specific terms of the Company's Application will affect its tangible interests, including the details of the proposed TEP programs, rate schedules and cost recovery mechanisms.

33. Ev.energy is a software platform that operates across all 50 states, including Colorado. Ev.energy provides an end-to-end solution for utilities to directly control residential EV load through a suite of APIs that connect to both vehicles and EV Supply Equipment. Through its integrations, Ev.energy receives signals from the utility and uses those signals to schedule and turn on or off EV charging in order to optimize load at the network and local levels. This Proceeding may "substantially affect" Ev.energy's business, given that Ev.energy is a third-party vendor that could contract with Public Service to administer its Optimize Your Charge and Charging Perks programs.

34. Climax is a large Public Service customer who states that the Commission's decision in this case will directly and substantially affect Climax's electricity costs and possibly the reliability of Climax's electric service necessary for mining and milling molybdenum. It seeks to address, at minimum, whether the fourfold budget increase is reasonable, whether the class cost allocation of TEP costs is just and reasonable, and whether the 2024-26 TEP complies with the statutory rate cap.

2. Consolidated Response

35. In its Consolidated Response to the motions for intervention from Tesla, EVgo, ChargePoint, and Electrify America, Public Service requests the Commission order these four parties to participate jointly in this Proceeding as it relates to their interests as companies that provide public charging services. However, because Tesla and ChargePoint also have distinct lines of business as automobile, hardware, and software manufacturers and hardware and software solution providers, Public Service does not object to ChargePoint and Tesla participating in their individual capacity specifically to represent their distinct pecuniary interests related to those business lines.

36. Public Service states that it does not necessarily have a problem with these parties participating, but that these parties have many overlapping interests and allowing them to proceed separately would lead to procedural imbalances and that it will increase litigation expenses and procedural complexities. The Company argues that joint party interventions can help mitigate this issue through encouraging coordination among parties with overlapping interests, promoting a consistent and clean evidentiary record, reducing redundant discovery requests, and limiting the number of witnesses that need to participate in evidentiary hearings and the number of parties taking cross-examination of each witness. Public Service is concerned that allowing each to

separately litigate their overlapping pecuniary interests while other key stakeholder groups participate as unified coalitions will raise procedural fairness concerns.

3. Motions for Leave to Reply

37. On June 21, 2023, Electrify America filed a Motion for Leave to Reply to the Consolidated Response. Electrify America argues that Public Service materially misrepresents facts regarding the abilities of parties to coordinate participation in this Proceeding. It states that each Tesla, EVGo, and ChargePoint have different business models and that requiring competitors to work together is wholly different than other nonprofit groups working together voluntarily. Electrify America argues it should be granted leave to discuss this material misrepresentation in a reply. Electrify America argues that Public Service's request presents an error of law and if granted would pose a violation to Electrify America's substantive and procedural due process rights before the Commission.

38. On June 20, 2023, ChargePoint filed a Motion for Leave to Reply to the Consolidated Response. ChargePoint states that if the Commission grants its motion for leave to reply, it will explain the reasons why Public Service's request would impair ChargePoint's ability to protect its substantial pecuniary interests in this Proceeding, would increase ChargePoint's costs of participating in this Proceeding, and is unnecessary given ChargePoint's and other charging providers' history of collaboration in proceedings before this Commission and other state regulatory commissions when it makes sense to do so. ChargePoint asserts that Public Service misrepresents fact when it asserts that ChargePoint, Tesla, Electrify America, and EVgo have "overlapping pecuniary interests" when they actually have different business models. ChargePoint also argues that Public Service misstates facts when it states that allowing these four parties to participate separately while other entities work together jointly could create procedural

imbalances. ChargePoint says other parties, such as WRA and Sierra Club or AACE intervening together voluntarily has no bearing here.

39. On June 20, 2023, EVgo filed a Motion for Leave to Reply to the Consolidated Response. EVgo argues that Public Service misrepresents facts when it argues that these four parties have overlapping pecuniary interests and that it is more accurate to state that they have competing pecuniary interests.

4. Findings and Conclusions

40. Staff of the Colorado Public Utilities Commission (Staff), the Colorado Energy Office (CEO), the Colorado Office of the Utility Consumer Advocates (UCA) filed timely notices of intervention by right. Staff, CEO, and UCA detail several issues they plan to address, and both Staff and UCA request a hearing.

41. Pursuant to Rule 4 Code of Colorado Regulations (CCR) 723-1-1401(b) of the Commission's Rules of Practice and Procedure, no decision is required in response to appropriately filed notices of intervention by right. We acknowledge the notices of intervention of right, and that Staff, CEO, and UCA are parties to this Proceeding.

42. Commission Rule 1401(c) of the Rules of Practice and Procedure 4 CCR 723-1, sets forth the standard for permissive intervention and states, in relevant part:

A motion to permissively intervene shall state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. The motion must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant's interests would not otherwise be adequately represented.

43. Further, Rule 4 CCR 723-1-1401(c) requires that a movant who is a “residential consumer, agricultural consumer, or small business consumer” must discuss in the motion whether the distinct interest of the consumer is either not adequately represented by the UCA or inconsistent with other classes of consumers represented by the UCA. As set forth in §§ 40-6.5-104(1) and (2), C.R.S., the UCA has a statutory mandate to represent the interest of the Company’s residential small business, and agricultural customers in Colorado.

44. We find that each entity seeking permissive intervention has sufficiently demonstrated that this Proceeding may substantially affect its pecuniary or tangible interests, as is required by Rule 1401(c). Each also has demonstrated that its interests would not otherwise be adequately represented. Therefore, we grant the requests for permissive intervention.⁷

45. We note that intervenors in the Environmental Organizations and the Environmental Justice Coalition identify their shared interests and chose to file jointly where their concerns align. We commend this collaboration and efficiency, and encourage efficiencies by all parties continue throughout the remainder of the proceeding.

46. The following are therefore parties in this Proceeding: Public Service, Staff, UCA, CEO, Tesla, Denver, CEC, Environmental Organizations, ChargePoint, SWEEP, EVgo, RTD, AACE, Boulder, EOC, IECRMA, the Environmental Justice Coalition, Electrify America, EV Energy, and Climax.

47. We deny Public Service’s request in its Consolidated Response to order Tesla, EVgo, ChargePoint, and Electrify America to work as joint parties. We note that each party raised

⁷ We decline to acknowledge RTD as an intervenor as of right in this proceeding. Unlike CEO, UCA, and Staff, RTD cites no relevant law that provides intervention as of right status in PUC proceedings. Nevertheless, we find RTD meets the standard required in Rule 1401, 4 CCR 723-1, and grant RTD’s alternative request for permissive intervention.

similar, but distinct, anticipated issues to present in their motions for interventions and have differing business models. We find that each individual party will bring a valuable perspective to this Proceeding, but expect Tesla, EVgo, ChargePoint, and Electrify America to work together whenever possible to increase procedural efficiencies. We encourage collaboration and efficiency but stop short of ordering these parties to work together involuntarily.

48. In light of our decision to deny the Company's request to order joint party status for Tesla, EVgo, ChargePoint, and Electrify America, we also deny as moot the motions for leave to reply filed by EVgo, Electrify America, and ChargePoint.

E. Requests for *Pro Hac Vice* Appearances

49. As required by Commission Rule 1201 and CRCP Rules 205.3 and 205.4, AACE provided a request for Andrew P. Mortatzka and Lilly B. McKenna to both be admitted to practice before the Commission in this Proceeding.

50. An attorney who is not licensed to practice law in Colorado must be granted permission to appear *pro hac vice* in Commission proceedings. Rule 1201(a), 4 CCR 723-1, of the Commission's Rules of Practice and Procedure, govern the admission of out-of-state attorneys. Rule 1201(a) requires compliance with Colorado Rule of Civil Procedure (CRCP) 205.4, which itself expressly incorporates CRCP 205.3.

51. As pertinent here, CRCP 205.3(2)(a) details what an out-of-state attorney must do to be permitted to appear *pro hac vice* and includes these requirements:

- a) File a verified motion with the administrative agency requesting permission to appear;
- b) Designate an associate attorney who is admitted and licensed to practice law in Colorado;

- c) File a copy of the verified motion with the Clerk of the Supreme Court Office of Attorney Regulation at the same time the verified motion is filed with the administrative agency;
- d) Pay the required fee to the Clerk of the Supreme Court collected by the Office of Attorney Regulation; and
- e) Obtain permission from the administrative agency for such appearance.

52. In AACE's motions and their attachments, Ms. McKenna and Mr. Moratzka each attest to the requirements above, and on June 21, 2023, the Commission received the proof of registration and filing fee with the Colorado Supreme Court.

53. Ms. McKenna and Mr. Moratzka's requests meet necessary requirements of the Commission and CRCP, and the motions are granted.

F. Response Time to Motion for Extraordinary Protection

54. On June 13, 2023, Public Service filed a Motion for Extraordinary Protection seeking an order granting extraordinary protection for certain documents and invoices for outside legal counsel to Public Service regarding preparing for and prosecuting this Proceeding, which do not redact rate-related information, or the amount of time spent on tasks.

55. Responses to the motion shall be filed no later than seven days after the Mailed Date of this Decision.

II. ORDER

A. The Commission Orders That:

1. For purposes of § 40-6-109.5, C.R.S., the Commission deems complete the Application for approval of the 2024-2026 Transportation Electrification Plan (Application) filed by Public Service Company of Colorado (Public Service) on May 15, 2023, and sets the matter for hearing.

2. Consistent with the discussion above, whether this matter will be heard *en banc* or by an Administrative Law Judge or hearing Commissioner will be determined by a separate future decision.

3. Consistent with the discussion above, Public Service shall file Supplemental Direct Testimony no later than three weeks after the Mailed Date of this Decision.

4. The motion to intervene filed on May 30, 2023, by Tesla, Inc. (Tesla) is granted, consistent with the discussion above.

5. The motion to intervene filed on June 9, 2023, by the City and County of Denver (Denver) is granted, consistent with the discussion above.

6. The motion to intervene filed on June 9, 2023, by Colorado Energy Consumers (CEC) is granted, consistent with the discussion above.

7. The motion to intervene filed jointly on June 13, 2023, by Western Resource Advocates and Sierra Club (jointly, Environmental Organizations) is granted, consistent with the discussion above.

8. The motion to intervene filed on June 13, 2023, by ChargePoint, Inc. (ChargePoint), is granted, consistent with the discussion above.

9. The motion to intervene filed on June 13, 2023, by the Southwest Energy Efficiency Project (SWEET) is granted, consistent with the discussion above.

10. The motion to intervene filed on June 13, 2023, by EVgo Services LLC (EVgo) is granted, consistent with the discussion above.

11. The alternative request seeking permissive intervention filed by the Regional Transportation District (RTD) on June 14, 2023, is granted, consistent with the discussion above.

12. The motion to intervene filed on June 14, 2023, by Americans for Affordable Clean Energy (AACE) is granted, consistent with the discussion above.

13. The motion to intervene filed on June 14, 2023, by the City of Boulder (Boulder) is granted, consistent with the discussion above.

14. The motion to intervene filed on June 15, 2023, by Energy Outreach Colorado (EOC) is granted, consistent with the discussion above.

15. The motion to intervene filed on June 15, 2023, by Independent Electrical Contractors Rocky Mountain Association (IECRMA) is granted, consistent with the discussion above.

16. The motion to intervene filed jointly on June 15, 2023, by Black Parents United Foundation, Cultivando, GreenLatinos, GRID Alternatives, Mi Familia Vota, National Association for the Advancement of Colored People (NAACP) Denver Branch, Vote Solar, and Womxn from the Mountain (collectively, the Environmental Justice Coalition); is granted, consistent with the discussion above.

17. The motion to intervene filed on June 15, 2023, by Electrify America, LLC (Electrify America) is granted, consistent with the discussion above.

18. The motion to intervene filed on June 15, 2023, by EV Energy Corp. (EV Energy) is granted, consistent with the discussion above.

19. The motion to intervene filed on June 15, 2023, by Climax Molybdenum Company (Climax) is granted, consistent with the discussion above.

20. The Consolidated Response to Public Charging Providers' Motions to Intervene filed by Public Service on June 20, 2023, is denied, consistent with the discussion above.

21. The Motion for Leave to Reply filed by Electrify America on June 21, 2023, is denied, consistent with the discussion above.

22. The Motion for Leave to Reply filed by ChargePoint on June 20, 2023, is denied, consistent with the discussion above.

23. The Motion for Leave to Reply filed by EVgo on June 20, 2023, is denied, consistent with the discussion above.

24. Public Service, Staff of the Colorado Public Utilities Commission, the Utility Consumer Advocate, the Colorado Energy Office, Tesla, Denver, CEC, Environmental Organizations, ChargePoint, SWEEP, EVgo, RTD, AACE, Boulder, EOC, IECRMA, the Environmental Justice Coalition, Electrify America, EV Energy, and Climax are parties to this Proceeding.

25. The requests by Ms. McKenna and Mr. Moratzka to receive *pro hac vice* admittance in this Proceeding is granted, consistent with the discussion above.

26. Responses to the Motion for a Protective Order Affording Extraordinary Protection for Highly Confidential Customer Information filed by Public Service on June 13, 2023, shall be filed no later than seven days after the Mailed Date of this Decision.

27. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 21, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners