

Decision No. C23-0631-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0392EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR APPROVAL OF ITS 2024-2028 CLEAN HEAT PLAN.

**INTERIM COMMISSION DECISION GRANTING,
IN PART, MOTION FOR EXTENSION OF TIME TO FILE
RESPONSES**

Mailed Date: September 20, 2023

Adopted Date: September 20, 2023

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission grants in part the Joint Motion for Extension of Time to File Response to Joint Motion for Partial Summary Judgment filed by Colorado Decarbonization Coalition, the City of Pueblo, Pueblo County, Colorado, Project Canary, and Pipefitters, Local 208 on September 19, 2023 (Joint Motion).

2. The Commission sets September 27, 2023, pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1400(b) of the Commission's Rules of Practice and Procedure, as the deadline for responses to the Joint Motion for Partial Summary Judgment filed by City of Boulder, Colorado Renewable Energy Society, Colorado Solar and Storage Association, Natural Resources Defense Council, Physicians for Social Responsibility Colorado, Sierra Club, Solar Energy Industries Association, Southwest Energy Efficiency Project, Utility Consumer Advocate, and

Western Resource Advocates (collectively, Joint Movants) on September 6, 2023 (Summary Judgment Motion).

B. Background

3. On August 1, 2023, Public Service Company of Colorado (Public Service or the Company) filed its Clean Heat Plan Application which requests the Commission approve the Company's 2024-2028 Clean Heat Plan (Application).

4. On September 19, 2023, the Commission issued Decision No. C23-0626, which included the Commission's findings agreed to at the September 13, 2023 Commissioners' Weekly Meeting (CWM).

5. By Decision No. C23-0626, the Commission granted requests for permissive intervention filed by the City and County of Denver (Denver), the City of Boulder (Boulder), City of Pueblo, County of Pueblo, Project Canary, PBC (Project Canary), the Colorado Energy Consumers (CEC), Holy Cross Electric Association, Inc. (Holy Cross), Black Hills Colorado Gas, Inc. (Black Hills), Natural Resources Defense Council and Sierra Club (collectively, the Conservation Coalition), the Colorado Renewable Energy Society (CRES) and Physicians for Social Responsibility (PSR-CO), Western Resource Advocates (WRA), the Southwest Energy Efficiency Project (SWEET), Energy Outreach Colorado (EOC), the Colorado Solar and Storage Association (COSSA) and the Solar Energy Industries Association (SEIA), Chevron, Occidental Petroleum, and Williams (collectively, the "Decarbonization Coalition"), Denver Pipefitters, Local 208 (Pipefitters), and Laborers' International Union of North America, Local 720 (Local 720). The Commission acknowledged the notices of intervention of right filed by Trial Staff of the Commission (Staff), the Office of the Utility Consumer Advocate (UCA), and the Colorado Energy Office (CEO).

6. By Decision No. C23-0626, The Commission set September 20, 2023, pursuant to Rule 4 CCR 723-1-1400(b) of the Commission's Rules of Practice and Procedure, as the deadline for responses to the Summary Judgment Motion.

7. On September 19, 2023, the Colorado Decarbonization Coalition, the City of Pueblo, Pueblo County, Project Canary, and Pipefitters filed the Joint Motion requesting that the Commission extend the deadline for responses to the Summary Judgment Motion until fourteen (14) days subsequent to the mailing date of the decision orally agreed to at the Commission's September 13, 2023 meeting granting the requests to intervene. In support of the Joint Motion, the movants claim that they would be severely adversely affected in their ability to participate fully and effectively in this proceeding, which is the inaugural Clean Heat Plan to be considered by the Commission. They also state that the Summary Judgment Motion is lengthy and complex, and they require additional time to respond to the Summary Judgment Motion fully and adequately. They claim no party will be prejudiced by the extension of time, nor will the extension interfere with other applicable deadlines including the hearing. They also note that at the time of their Motion, the Commission's Decision from the September 13, 2023 CWM had not yet issued.

8. The Joint Motion is opposed by Boulder, COSSA/SEIA, the Conservation Coalition, SWEEP, and WRA. In their Response, filed on September 19, 2023 (Response), they assert that doubling the time to respond would actually prejudice other parties because it would delay the Proceeding and the Summary Judgment Motion presents threshold issues for the Proceeding. They state that until the Commission rules on the Summary Judgment Motion, the parties will be forced to spend time and resources on issues that the Motion shows are outside the proper scope of the proceeding. They also assert that time is of the essence because the 2025 goal

is looming and that the Joint Motion does not provide any explanation as to why additional time is needed.

C. Findings and Conclusions

9. We find good cause to grant the Joint Motion in part, and extend the deadline until September 27, 2023. While we are mindful of the timing constraints and likely presence of threshold issues raised by the Response, we find that ensuring all parties have an opportunity to substantively respond the Summary Judgment Motion. We therefore grant the Joint Motion in part, and extend the deadline until September 27, 2023.

10. The Commission sets September 27, 2023, pursuant to Rule 4 CCR 723-1-1400(b) of the Commission's Rules of Practice and Procedure, as the deadline for responses to the Summary Judgment Motion.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion for Extension of Time to File Response to Joint Motion for Partial Summary Judgment filed by Colorado Decarbonization Coalition, the City of Pueblo, Pueblo County, Colorado, Project Canary, and Pipefitters, Local 208 on September 19, 2023, is granted in part, consistent with the discussion above.

2. The Commission sets September 27, 2023, pursuant to Rule 4 *Code of Colorado Regulations* 723-1-1400(b) of the Commission's Rules of Practice and Procedure, as the deadline for responses to the Joint Motion for Partial Summary Judgment filed by City of Boulder, Colorado Renewable Energy Society, Colorado Solar and Storage Association, Natural Resources Defense Council, Physicians for Social Responsibility Colorado, Sierra Club, Solar Energy

Industries Association, Southwest Energy Efficiency Project, Utility Consumer Advocate, and Western Resource Advocates filed on September 6, 2023.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 20, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners