

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0528E

IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND
TRANSMISSION ASSOCIATION, INC. FOR APPROVAL OF ITS 2020 ELECTRIC
RESOURCE PLAN

**COMMISSION DECISION APPROVING TRI-STATE'S
PROPOSAL TO RELEASE CONFIDENTIAL AND HIGHLY
CONFIDENTIAL INFORMATION**

Mailed Date: January 11, 2024

Adopted Date: January 10, 2024

I. BY THE COMMISSION

A. Statement

1. On November 15, 2023, Tri-State Generation and Transmission Association, Inc. ("Tri-State") filed a timely Proposal to Refile Confidential and Highly Confidential Information as Public Information ("Proposal"), pursuant to Rule 3605(h) of the Commission's Electric Resource Planning Rules, 4 *Code of Colorado Regulations* (CCR) 723-3600 *et. seq.* Rule 3605(h)(III) allows parties to respond to the proposal within 30 days. No party responded to the proposal. As discussed below, we grant the Proposal with one additional requirement.

B. Discussion, Findings, and Conclusions

2. Tri-State filed its Proposal on November 15, 2023, within 14 months of the initial receipt of bids on September 16, 2022, as required by Rule 3605(h)(III).

3. Rule 3605(h)(iii) requires Tri-State to:

“...file a proposal that addresses the public release of all confidential and highly confidential information related to bids for potential resources and resources the utility proposed to build and own. At a minimum the utility shall address the public release of highly confidential and confidential information in its ERP Implementation Report and all documents related to that report filed by the utility and the parties.”

4. Tri-State proposes to file the following confidential and highly confidential information as public:

- a. 30-Day Report, filed October 17, 2022.
- b. ERP Implementation Report, Attachment C – Bids Advanced to Modeling, filed February 13, 2023.
- c. ERP Implementation Report, Attachment F – Best Value Employment Metrics, filed February 13, 2023.
- d. ERP Implementation Report, Attachment G – DI Communities Bid Map, filed February 13, 2023.

5. Rule 3605(h)(iv) requires Tri-State to:

“...post on its website the following information from all bids and utility proposals: bidder name; bid price and utility cost, stated in terms that allow reasonable comparison of the bids with utility proposals; generation technology type; size of facility; contract duration or expected useful life of facility for utility proposals; and whether the proposed power purchase contract includes an option for the utility to purchase the facility during or at the end of the contract term.”

6. Consistent with this rule, Tri-State proposes to post the following in table format on its website following receipt of this order: bidder name; levelized energy cost (\$/MWh) or levelized capacity cost (\$/kW-mo), as applicable; generation technology type; nameplate capacity; and utility ownership option and contract term/useful life.

7. Tri-State proposes that all other 2020 ERP filings and modeling details not related to bids remain confidential or highly confidential as initially designated, and not be designated as public documents, consistent with standard practice, as these files contain information that remains

sensitive. These documents include: Phase II 150-Day Implementation Report (Confidential and Highly Confidential); Attachment B: Modeling Assumptions (Confidential and Highly Confidential); and Attachment D: Emissions Reductions Workbooks and various Workbook Attachments (Highly Confidential Versions).

8. We find that the proposal discloses sufficient information so that the public can have confidence in the competitive solicitation process that was conducted by the Company and reviewed by the Commission; yet protects a limited number of documents and certain bid information to protect the proprietary interests of past and future bidders, with one notable caveat. Tri-State's Phase II 150-Day Implementation Report contains two items on page 13 that are related to bids.

9. Aside from the items on page 13, we agree with Tri-State that the rest of the confidential and highly confidential information that will remain protected goes beyond the needs of information disclosures contemplated by Rules 3605(h)(III) and 3605(h)(IV). It is not necessary or appropriate to refile such information as public.

10. Tri-State shall refile the public version of its Phase II 150-Day Implementation Report with the two items related to bids on page thirteen made public, while leaving the remaining contents of the report that are not related to bids as initially designated.

11. In all other respects we approve Tri-State's Proposal.

II. ORDER

A. The Commission Orders That:

1. The Proposal to Refile Confidential and Highly Confidential Information as Public Information filed on November 15, 2023, by Tri-State is approved, consistent with the discussion

above. Tri-State shall refile the public version of its Phase II 150-Day Implementation Report as discussed above.

2. Tri-State shall post the following in table format on its website following receipt of this order: bidder name; levelized energy cost (\$/MWh) or levelized capacity cost (\$/kW-mo), as applicable; generation technology type; nameplate capacity; and utility ownership option and contract term/useful life.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
January 10, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White

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