

Decision No. C20-0645-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0204E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY
OF COLORADO FOR APPROVAL OF ITS 2021-2023 TRANSPORTATION
ELECTRIFICATION PLAN.

**INTERIM DECISION EXTENDING DECISION
DEADLINE UNDER § 40-6-109.5(1), C.R.S., TO
ACCOMMODATE PROCEDURAL SCHEDULE**

Mailed Date: September 4, 2020

Adopted Date: September 2, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On May 15, 2020, and as required by Senate Bill (SB) 19-077,¹ Public Service Company of Colorado (Public Service) filed its Application for Approval of its 2021-2023 Transportation Electrification Plan (TEP).

2. Through Decision No. C20-0465, issued June 24, 2020, the Commission found it appropriate to stagger the Public Service TEP application proceeding with the Black Hills Colorado Electric, LLC (Black Hills) proceeding, which was also filed pursuant to SB 19-077 in early May of 2020. The utilities were required to confer and provide a preferred procedural proposal such that both applications could be considered *en banc*.

3. As required by the Commission's decision, Black Hills and Public Service provided their respective procedural preferences through a joint filing on June 29, 2020 (Joint

¹ SB 19-077, which was signed into law on May 31, 2019, requires investor-owned electric public utilities to file with the Commission by May 15, 2020, "an application for a program for regulated activities to support widespread transportation electrification" within its service territory. *See*, § 40-5-107(1)(a), C.R.S.

Utility Filing). Within the Joint Utility Filing, Black Hills indicates its willingness to waive statutory deadlines under § 40-6-109.5, C.R.S., and hold its Proceeding No. 20A-0195E in abeyance for a limited period to accommodate a staggered schedule.² Public Service responds in the Joint Utility Filing that it prefers to move forward with its TEP application proceeding for a number of policy and practical reasons, including that delay may cause conflict with other Public Service matters likely to be considered *en banc* by the Commission. Public Service included, therefore, that it would not waive the statutory deadlines as permitted under § 40-6-109.5(3), C.R.S.

4. Through Decision No. C20-0501-I³ the Commission granted all requests for permissive intervention⁴ and acknowledged the interventions as of right of Office of Consumer Counsel, Colorado Energy Office, and Staff of the Commission. The Commission further agreed with the Joint Utility Filing that this Public Service proceeding should move forward, and that the proceeding would remain *en banc*. The Commission required conferral on a proposed procedural schedule no later than July 20, 2020.

5. Through Decision No. C20-0536-I, issued July 23, 2020, the Commission approved the parties' proposed procedural schedule, including scheduling a five-day hearing requested for November 12 through 13 and 16 through 18, 2020.

6. Pursuant to § 40-6-109.5, C.R.S., when an application is filed and accompanied by supporting testimony, together with exhibits, the Commission shall issue its decision on the application no later than one hundred twenty days after the application is deemed complete.

² Black Hills application and related procedural decisions are included in Proceeding No. 20A-0195E.

³ Issued July 10, 2020.

⁴ Subsequent to Decision No. C20-0501-I, issued July 10, 2020, the Commission granted late filed intervention of Walmart, Inc. and request for *amicus curia* status of Black Hills, through Decision No. C20-0515-I, issued July 15, 2020.

However, if the Commission finds additional time is required, pursuant to § 40-6-109.5(1), C.R.S., it may by separate order, extend the time for decision by an additional period not to exceed one hundred thirty days.

7. Through this Decision, for clarity, and in order to accommodate the parties' proposed schedule that the Commission adopted through Decision No. C20-0536-I, we find that the additional time permitted in § 40-6-109.5(1), C.R.S., is required in this proceeding. We therefore extend the decision deadline in the proceeding by the permitted one hundred thirty days allowed by statute.

II. ORDER

A. It Is Ordered That:

1. The deadline for a Commission decision is extended an additional one hundred thirty days, as permitted in § 40-6-109.5(1), C.R.S.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONER'S WEEKLY MEETING
September 2, 2020.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOHN GAVAN

MEGAN M. GILMAN

Commissioners

CHAIRMAN JEFFREY P. ACKERMANN
ABSENT.