

Decision No. C21-0285-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0174E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AUTHORIZATION PURSUANT TO C.R.S. § 40-5-105 TO SELL AN EIGHT-ACRE PARCEL OF LAND ASSOCIATED WITH THE FORMER ZUNI ELECTRIC GENERATING STATION TO THE HOUSING AUTHORITY OF THE CITY AND COUNTY OF DENVER, COLORADO, OR ITS ASSIGNS.

**INTERIM DECISION GRANTING REQUEST FOR
SHORTENED NOTICE AND INTERVENTION PERIOD**

Mailed Date: May 12, 2021

Adopted Date: May 12, 2021

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS,
OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. This Decision establishes a shortened notice and intervention period for the Verified Application of Public Service Company of Colorado (Public Service or Company) for authorization to sell an eight-acre parcel of land associated with the former Zuni Electric Generating Station (Zuni Station) to the Housing Authority of the City and County of Denver (Denver Housing Authority or DHA).

2. Requests to intervene in this matter shall be filed no later than **May 22, 2021**.

B. Discussion

3. On May 7, 2021, Public Service submitted for Commission consideration, a Verified Application in which it seeks an expedited procedural schedule and review and approval

of a Purchase and Sale Agreement (PSA) of an eight-acre parcel of land holding fuel oil storage tanks and a support building associated with Zuni Station operations (Zuni Tank Farm Property). Public Service states that the Zuni Station ceased electricity production in 2016 and steam production in 2019, after which it was permanently shut down. The generating facility is scheduled to be decommissioned in 2023 pursuant to a plan approved by Decision No. R20-0888 (issued December 14, 2020) in Proceeding No. 20A-0268E.

4. Public Service entered into the PSA with the Denver Housing Authority on May 7, 2021. The Company claims DHA plans to redevelop the property to provide low-income residential housing and multi-use commercial development as part of a broad revitalization effort, and that DHA assumes “full responsibility for dismantling, demolishing[,] and removing all existing structures, investigating the environmental condition of the property and undertaking any necessary remediation.”¹

5. Public Service requests the Commission determine the proposed sale of the Zuni Tank Farm Property to DHA is not contrary to the public interest and authorize the Company to complete the sale.² The Company also requests the Commission defer ruling on the treatment of the net gain on the sale until an appropriate future electric rate proceeding, noting that the Company will record the net proceeds in a deferred account until the Commission can make its determination.

6. Public Service requests the Commission issue a decision granting the Verified Application without a formal hearing on or before July 15, 2021, and, accordingly, to shorten the notice and intervention period to ten days. The Company explains the expedited

¹ Verified Application at 7.

notice and Commission review and decision are necessary to ensure DHA's eligibility for a \$500,000 federal grant available through the Environmental Protection Agency's Brownfields Program designed to assist industrial site assessment and remediation, and that objection to the DHA's plans are unlikely given "the overwhelming public interest in DHA's planned use of the property."³

C. Findings and Conclusions

7. We find good cause to grant Public Service's request for a shortened notice and intervention period. Requests for intervention, including a notice of intervention by right of Staff of the Colorado Public Utilities Commission, shall be filed no later than **May 22, 2021**.

8. The Verified Application is available for public inspection by the Commission's Electronic Filing (or E-Filings) website: <https://www.dora.state.co.us/pls/efi/EFI.homepage>. **This Decision is the Commission's notice that the Verified Application has been filed.**

II. ORDER

A. It Is Ordered That:

1. The request of Public Service Company of Colorado to shorten the notice and intervention period for the Verified Application for authorization to sell an eight-acre parcel of land associated with the former Zuni Electric Generating Station to the Housing Authority of the City and County of Denver filed May 7, 2021, is granted.

2. The notice and intervention period shall expire at 5:00 p.m. on **May 22, 2021**.

3. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Colorado Public Utilities Commission, shall file a petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, 4 *Code of Colorado*

³ *Id.* at 3.

Regulations 723-1, file other appropriate pleadings to become a party, no later than **May 22, 2021**. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202.

4. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

5. The Commission may consider the Verified Application without a hearing if no notice of intervention as of right or motion to permissively intervene is timely filed, or no notice of intervention as of right or motion to permissively intervene requests a hearing or contests or opposes the Verified Application.

9. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 12, 2021.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners