

Decision No. C22-0622

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0085E

IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE BIG SANDY TO BADGER CREEK 230 KV TRANSMISSION LINE AND THE BADGER CREEK SUBSTATION, AND THE BOONE TO HUCKLEBERRY 230KV TRANSMISSION LINE AND THE HUCKLEBERRY SUBSTATION, AND FOR ASSOCIATED FINDINGS REGARDING AUDIBLE NOISE AND MAGNETIC FIELDS REASONABLENESS.

**COMMISSION DECISION DECLINING
TO ACCEPT PETITION**

Mailed Date: October 17, 2022

Adopted Date: October 5, 2022

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission declines to accept the Petition for declaratory order filed by Tri-State Generation and Transmission Association (Tri-State) and invites Tri-State to re-file the petition in a new docket.

B. Discussion, findings, and conclusion.

2. On September 12, 2022, Tri-State filed this Verified Petition for Declaratory Order Pursuant to Tri-State's Settlement Commitment to Make a Filing Seeking a Determination that Certain Incremental Transmission improvements are in the Ordinary Course of Business and Request to Reopen Proceeding (Petition). The Petition explains that pursuant to the settlement in this proceeding Tri-State has agreed to seek a determination that certain transmission projects

approved by the settlement are in the ordinary course of business and therefore do not require a CPCN.

3. Tri-State filed the Petition seeking those determinations in this proceeding. It also asks the Commission to reopen this proceeding so that it may file information or reports into this docket.

4. As an administrative matter, we believe that the adjudication of whether the transmission projects in question require a CPCN is best handled in its own proceeding. For that reason, we exercise our discretion pursuant to Rule 1304(f)(III) and decline to accept the Petition. Tri-State may refile the Petition in a new proceeding.

5. We also note that Tri-State will be able to file information or reports into this docket even if the proceeding is considered closed. Therefore, we decline to reopen this proceeding.

II. ORDER

A. It Is Ordered That:

1. The Commission declines to accept the Verified Petition for Declaratory Order Pursuant to Tri-State's Settlement Commitment to Make a Filing Seeking a Determination that Certain Incremental Transmission Improvements are in the Ordinary Course of Business and Request to Reopen Proceeding filed on September 12, 2022 by Tri-State Generation and Transmission Association.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 5, 2022.**

(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