

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.

**INTERIM COMMISSION DECISION EXTENDING
DEADLINES RELATED TO COMPLETENESS
DETERMINATIONS AND INTERVENTION PERIODS**

Mailed Date: December 9, 2020

Adopted Date: December 9, 2020

I. BY THE COMMISSION

A. Statement

1. On December 1, 2020, Tri-State Generation and Transmission Association, Inc. (Tri-State) submitted an Application seeking approval of its 2020 Electric Resource Plan (ERP). Through this Decision, we extend the timeline for initial steps associated with the review of Tri-State's Application for completeness. We require that a letter of deficiency related to the completeness of the Application, if one is necessary, be submitted within ten days of the submission of supplemental information on or before January 15, 2021, with response due ten days after that. We further set a deadline of January 29, 2021, for all interventions. Finally, we waive timelines related to the Commission's determination of completeness.

B. Background

2. Pursuant to new provisions in the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3 (Electric Rules), Tri-State submitted its Application seeking approval of its ERP on December 1, 2020. Along with the Application,

Tri-State submitted testimony from six witnesses as well as attachments that included the two-volume ERP, proposed bid documents, and studies as required by Electric Rule 3605. Tri-State also submitted versions of documents designated public, confidential, and highly confidential, along with a corresponding Motion for Extraordinary Protection.

3. Tri-State presents a “base case” and seven alternative scenario portfolios, including one that specifically calculates the Social Cost of Carbon, with a preferred plan that it says is designed to achieve an 80 percent reduction in carbon dioxide emissions associated with wholesale power sales by 2030, from 2005 levels. Tri-State represents that the preferred plan is designed to achieve the same emissions reductions associated with a Clean Energy Plan (CEP) as set forth by Senate Bill (SB) 19-236, but states that it has only submitted an ERP and not a CEP. It proposes to acquire resources by competitive bids.

4. On December 7, 2020, Tri-State filed a Notice of Planned Supplement to Tri-State Generation and Transmission Association, Inc.’s 2020 Electric Resource Plan (Notice of Planned Supplement). Tri-State states that it intends to submit additional information in response to Decision No. C20-0820, issued November 25, 2020, in Proceeding 20M-0218E. Tri-State explains that the short turnaround time between the decision being issued and the filing of this Application prevented it from including all required information. Specifically, Tri-State provided Table 3, in which it summarized information that it intends to submit on or before January 15, 2021, including a mark-to-market analysis related to coal and a revised benchmarking assessment including a group ranking methodology.

5. This Application is the first ERP filed by Tri-State before the Commission in response to legislative changes made by SB 19-236 and the corresponding rules promulgated by

the Commission in Decision No. C20-0155.¹ It also follows closely after Proceeding No. 20M-0218E, in which Tri-State submitted an initial plan filing that included an Assessment of Existing Resources under Electric Rule 3605(c). As summarized in Decision No. C20-0820, parties to that proceeding raised a variety of complex technical, practical, and legal issues which may inform this Proceeding.

C. Findings and Conclusions

6. Tri-State's Application and associated filings are extensive, totaling thousands of pages of testimony and attachments. Furthermore, the Application represents new issues for this Commission and for potential parties. While the Commission believes that Proceeding No. 20M-0218E created value in enhancing the level of understanding related to Tri-State's resources, consistent with its limited scope and timeline,² we also stated that we may wish to approach this Application thoughtfully, and provide sufficient time for review.³

7. Accordingly, given the complexity of the filing and issues, we find good cause to extend initial deadlines associated with determining the completeness of this Application for purposes of § 40-6-109.5, C.R.S., by our own motion.

8. First, we modify the time period under which Commission Staff can submit a letter of deficiency pursuant to Rule 4 CCR 723-1-1303(c)(II) of the Commission's Rules of Practice and Procedure, should one be necessary. The letter of deficiency is due within ten days of Tri-State's filing of supplemental information as described in its Notice of Planned Supplement, which is to occur on or before January 15, 2021. If a letter of deficiency is issued, Tri-State will have ten days in which to respond.

¹ Decision No. C20-0155, issued March 10, 2020, Proceeding No. 19R-0408E.

² Decision No. C20-0820, issued November 25, 2020, Proceeding No. 20M-0218E, at para. 85.

³ *Id.* at para. 89.

9. Second, we extend the time period for notice and intervention. All interventions, including Commission Staff, shall be filed no later than January 29, 2021. Responses to permissive intervention shall be due no later than February 5, 2021.

10. Third, we find good cause to waive deadlines associated with deeming the Application complete. This includes Rule 4 CCR 723-1-1303(c)(III) and 1303(c)(IV) provisions that require that application to be deemed complete automatically if the Commission does not issue a determination of completeness within 15 days of the expiration of the application's notice period, absent a determination that the application is not complete or a finding that more information is necessary. We will deem the Application complete by separate Decision, at the appropriate time.

II. ORDER

A. The Commission Orders That:

1. The deadline for all interventions in this Proceeding is January 29, 2021. Responses to permissive interventions are due February 5, 2021.

2. The deadline for Commission Staff to issue a letter of deficiency, if one is found necessary, will be ten days after the filing of supplemental information as described in the Notice of Planned Supplement to Tri-State Generation and Transmission Association, Inc.'s 2020 Electric Resource Plan, which is to occur on or before January 15, 2021. The deadline for a response to a letter of deficiency, if one is issued by Commission Staff, will be ten days after the letter is issued.

3. On the Commission's own motion, the timelines associated with Rules 1303(c)(III) and 1303(c)(IV), 4 CCR 723-1, are waived consistent with the discussion above.

4. Timelines to respond to the Motion for Extraordinary Protection will be addressed by separate decision.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 9, 2020.**

(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

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners