

Decision No. C25-0279-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0442E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2024 JUST TRANSITION SOLICITATION.

**INTERIM COMMISSION DECISION DENYING
MOTION TO RESCHEDULE PUEBLO PUBLIC
COMMENT HEARING**

Issued Date: April 11, 2025

Adopted Date: April 9, 2025

I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission denies the Motion to Reschedule the Pueblo Public Comment Hearing and Request for Shortened Response Time (“Motion to Reschedule”) filed on March 31, 2025, by GreenLatinos, GRID Alternatives, NAACP State Conference CO-MT-WY, Pueblo Branch, Roots to Resilience, and Vote Solar, as well as joint intervenors Colorado Renewable Energy Society and Physicians for Social Responsibility Colorado (collectively “Joint Movants”).

2. While we deny the Motion to Reschedule, by this Decision we set another remote public comment hearing for June 5, 2025, from 5:00 p.m. to 7:00 p.m.

B. Background

3. On October 15, 2024, Public Service Company of Colorado (“Public Service” or the “Company”) filed a Verified Application for Approval of its 2024 Just Transition Solicitation (“JTS”) Application.

4. On January 17, 2025, Public Service submitted an Updated Consensus Procedural Schedule, which the Company asserted was supported by all parties. In the proposed consensus procedural schedule, there is a placeholder for one public comment hearing. For the proposed date of the public comment hearing, the consensus procedural schedules states: “Commission’s discretion (prior to Settlement Testimony deadline).”¹

5. By Decision No. C25-0064-I, issued January 29, 2025, the Commission adopted a procedural schedule and scheduled an *en banc* evidentiary hearing.

6. Through Decision No. C25-0219-I, issued March 25, 2025, the Commission scheduled three public comment hearings in this Proceeding: (1) an in-person public comment hearing in Pueblo, Colorado on April 17, 2025; (2) a remote public comment hearing (via the Zoom platform) on April 28, 2025; and (3) an in-person public comment hearing in Hayden, Colorado on May 1, 2025.

C. Discussion, Findings, and Conclusions

7. In the Motion to Reschedule, Joint Movants state that while they appreciate and strongly support the Commission’s decision to schedule an in-person public comment hearing in Pueblo, they request the Commission reschedule the April 17, 2025 Pueblo public comment hearing for a date between May 27, 2025 and June 6, 2025.

¹ Updated Consensus Procedural Schedule, p. 3.

8. Joint Movants contend rescheduling the public comment hearing as requested would allow community members in Pueblo to provide comments and feedback to the Commission regarding the final and full range of issues and party proposals that the Commission will decide in Phase I of this proceeding. Joint Movants state they are concerned that the April 17, 2025 public comment hearing will occur before intervenors file answer testimony and before Public Service files rebuttal testimony, which will not allow in-person commentors to respond to the various proposals and recommendations made by the intervenors.

9. Additionally, Joint Movants assert that rescheduling the public comment hearing to a later date would provide more time for community members to prepare for the hearing and would likely result in a more successful public comment process. Joint Movants state they are concerned that the April 17, 2025 public comment hearing will occur only 23 days after the Commission issued its written decision and press release announcing the public comment hearings. Joint Movants argue this provides insufficient time for community members to manage and potentially reschedule their personal and professional obligations so they can attend the public comment hearing, to review the filings and understand the issues, and to prepare their public comments.

10. Joint Movants therefore request the Commission reschedule the in-person public comment hearing in Pueblo to a date that falls between May 27 and June 6, 2025. In the alternative, should the Commission decide to maintain the April 17, 2025 public comment hearing, Joint Movants request that the Commission schedule a second in-person public comment hearing in Pueblo between May 27 and June 6, 2025.

11. Joint Movants state they have conferred to parties in the Proceeding and that Board of County Commissioners of Pueblo County, the City of Pueblo, and the Pueblo Economic

Development Corporation (collectively the “Pueblo Intervenors”) oppose the Motion. The Town of Hayden and Routt County also oppose the Motion and state that affected communities should have input on when their public comment hearings are held.

12. On April 1, 2025, the Commission received a joint public comment from Western Clean Energy Campaign, Mountain Mamas, 350 Colorado, Mi Familia en Acción, and ProgressNow Colorado. The joint public comment largely supports the reasoning underlying the Motion to Reschedule, arguing that it is critical that members of the public are given an opportunity to address the Commission *after* all testimony has been submitted. The joint public comment notes that because the in-person Pueblo public comment hearing is scheduled prior to the deadline for answer testimony, public commenters will be deprived of the opportunity to review what could be insightful information from intervenors.

13. Unlike the Motion to Reschedule, the joint public comment requests that the Commission consider moving all three public comment hearings to after the submission of rebuttal testimony but prior to the start of the evidentiary hearing. In the alternative, if the hearings cannot be rescheduled, the joint public comment requests that the Commission schedule an additional in-person public comment hearing and an additional remote public comment hearing after the submission of rebuttal testimony but prior to the start of the evidentiary hearing. The public comment specifically requests that the second remote public comment hearing be scheduled in the evening to accommodate participants who were unavailable during normal workday hours.

14. On April 3, 2025, the Commission issued Decision No. C25-0252-I setting a shortened response time for the Motion to Reschedule.

15. On April 7, 2025, the Pueblo Intervenors filed a Response in Opposition to the Motion to Reschedule.

16. The Pueblo Intervenors argue the Joint Movants could have raised their scheduling preferences during the conferral process that led to Public Service filing the Updated Consensus Procedural Schedule filed on January 17, 2025. The Pueblo Intervenors further assert the Joint Movants rely on speculation about the additional time needed for community members to prepare for the April 17 hearing. Finally, the Pueblo Intervenors assert that rescheduling the public comment hearing to the week of May 26 will likely lead to *less* participation due to the Memorial Day holiday and graduations.

17. After considering both the Motion to Reschedule and the joint public comment, we do not find good cause to reschedule the April 17, 2025 public comment hearing or schedule another in-person public comment hearing. Accordingly, we deny the Motion to Reschedule.

18. As the Pueblo Intervenors point out, the Joint Movants did not raise their scheduling preferences for public comment hearings in the Updated Consensus Procedural Schedule. Indeed, the parties' only request was that the Commission schedule a public comment hearing prior to the submission of settlement testimony. Consistent with this request, all three public comment hearings are currently scheduled to take place prior to the June 2, 2025 deadline for settlement testimony. Further, the Joint Movants as well as the authors of the joint public comment ignore that the current schedule of public comment hearings provides an opportunity for the parties to incorporate and respond to public comments in their testimonies.

19. Nevertheless, the Joint Movants and the authors of the joint public comment raise a legitimate desire to have a public comment hearing after answer testimony and rebuttal testimony have been filed. Although members of the public have several avenues to submit comments outside of a public comment hearing—as detailed in Decision No. C25-0219-I scheduling the public comment hearings—scheduling an additional remote public comment hearing after rebuttal

testimony works with the Commission's schedule and would provide another opportunity to hear from members of the public at a later stage in the Proceeding.

20. Accordingly, we will conduct a remote public comment hearing on June 5, 2025, from 5:00 p.m. to 7:00 p.m. The remote public comment hearing will be held using the web-based video conferencing Zoom platform. Members of the public cannot attend the remote public comment hearing in-person. Additional information about participation in the public comment hearings, such as the sign-up sheet, and all relevant information on how to log on to the remote public comment hearings will be made available on the Commission's public calendar at: <https://puc.colorado.gov/pucalendar>.

21. The remote public comment hearing will be webcast on the Commission's website. This means that those persons wishing to observe but not participate in the public comment hearing may do so by watching the webcast. To observe the remote public comment hearing, enter this link in the web browser <https://puc.colorado.gov/webcasts> and select the audio or video option for Hearing Room A. The Commission encourages interested persons who do not wish to provide comments at the remote public comment hearing to observe it through the webcast rather than Zoom. Doing so will help minimize background noise during the hearing and may assist in the orderly progression of the hearing.

22. A court reporter will live transcribe the remote public comment hearing to create a written record of the comments received. Commenters should give their full name, and spell it, before they give their comments. In general, commenters will be called to speak in the order in which they sign up. The presiding officer may adopt procedures and time limits for comments as necessary to ensure that all members of the public have opportunity to comment, and the transcribed record is clear and understandable. Typical time limits range from one to three minutes

for each commenter. To ensure the hearing time is used efficiently, commenters are requested to avoid repetitive comments that re-state filed written comments or repeat oral comments already provided at hearing. As discussed below, written public comment can be filed at any time in the Proceeding and will be afforded the same weight as oral comments. Finally, the purpose of a public comment hearing is to provide opportunity for members of the public to provide oral comments. To that end, parties to the Proceeding and their representatives are not permitted to present comments. Individuals may present comments on their own behalf.

23. The Commission will publicize the remote public comment hearing by press release, announce it on the Commission's public calendar, and make it known by other avenues to the extent resources are available.

24. As we set forth earlier in Decision No. C25-0219-I, participating in the public comment hearing is not the only way to provide comments in this Proceeding. We encourage interested persons to provide written or oral public comments at any time this Proceeding is open. Please include "Proceeding No. 24A-0442E" in the public comments. Public comments can be provided by:

- Submitting written comments through the Commission's Electronic Filing System (E-Filings) at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>
- Submitting written comments using the Commission's online form or through email at: dora_puc_website@state.co.us. These comments will be posted in E-Filings for this Proceeding.
- Mailing comments to the Commission's offices at: Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, CO 80202
- Calling (303) 869-3490 to leave oral comments (available in both English and Spanish options)

25. Finally, the Commission strives to accommodate all members of the public at its hearings and meetings by providing services for foreign language users and persons with

disabilities upon receipt of a reasonable accommodation request. Requests for such accommodations should be made at least one week prior to the event by completing the Language Accommodation Request Form available at the Commission's webcast page.²

II. ORDER

A. It Is Ordered That:

1. The Motion to Reschedule the Pueblo Public Comment Hearing filed on March 31, 2025, by GreenLatinos, GRID Alternatives, NAACP State Conference CO-MT-WY, Pueblo Branch, Roots to Resilience, Vote Solar, Colorado Renewable Energy Society and Physicians for Social Responsibility Colorado, is denied.

2. A remote public comment hearing is scheduled as follows:

DATE: June 5, 2025

TIME: 5:00 p.m. until 7:00 p.m.

METHOD: By video conference or telephone using the zoom web conferencing platform at a link emailed to all those who register to participate in the public comment hearing.

² <https://puc.colorado.gov/webcasts>.

3. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 9, 2025.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director