

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0266E

IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR PUBLIC INTEREST DETERMINATION FOR ENTRY INTO THE SOUTHWEST POWER POOL IN THE WESTERN INTERCONNECTION.

**INTERIM COMMISSION DECISION GRANTING
MOTION, IN PART, AND ADOPTING CONSENSUS
PROCEDURAL SCHEDULE**

Issued Date: August 6, 2025

Adopted Date: July 30, 2025

I. BY THE COMMISSION

A. Background

1. On June 16, 2025, Tri-State Generation and Transmission Association, Inc. (“Tri-State”), in accordance with § 40-5-108, C.R.S., filed an Application (“Application”) requesting a finding that the Southwest Power Pool Regional Transmission Organization in the Western Interconnection (“SPP RTO West”) is a Statutory Organized Wholesale Market (“OWM”), as defined in Rule 3752(n), 4 *Code of Colorado Regulations* (“CCR”) 723-3, and that Tri-State’s planned participation in the SPP RTO West is in the public interest.

2. Concurrent with its Application, Tri-State also filed a Motion to Approve a Proposed Procedural Schedule, Discovery Procedures, and Treatment of Confidential Information (“Motion”).

3. On June 26, 2025, by Decision No. C25-0484-I, the Commission noticed the Application, established a shortened notice and intervention period to run to July 9, 2025, and set July 14, 2025, as the response deadline to Tri-State's Motion.

4. On July 18, 2025, by Decision No. C25-0530-I, the Commission acknowledged the interventions of right filed by Trial Staff of the Commission, the Colorado Office of the Utility Consumer Advocate, and the Colorado Energy Office. The Commission also granted the motions for permissive intervention filed by: Interwest Energy Alliance; Black Hills Colorado Electric, LLC; Western Resource Advocates; and Holy Cross Electric Association, Inc. Also through that decision, the Commission required Tri-State to confer with the intervening parties regarding a procedural schedule and to file a new proposed procedural schedule by July 25, 2025.

B. Tri-State's Motion and Proposed Procedural Schedule

5. Tri-State's Motion requests the Commission approve a proposed procedural schedule based on the timeline in Rule 3754(f)(I) and the other unique procedural requirements identified in the rules for OWM proceedings. The proposed schedule culminates in a public comment hearing on September 30, 2025, and a final Commission decision no later than November 13, 2025.

6. The Motion also proposes certain discovery procedures in addition to the discovery procedures contained in Rule 3754(f)(II), 4 CCR 723-3. Tri-State requests that the discovery timelines and procedures contained within Rules 1405(b) and (d), 4 CCR 723-1, control, with the following clarifications: (1) that discovery requests and responses will be served electronically, (2) that all responses to an individual set of discovery shall be served in a single, combined document to all parties and that in the event that responses to an individual set of discovery are not

served simultaneously, Tri-State agrees to provide all the parties with all available responses served on a given day in a single, combined document, and conversely, the parties will provide a single, combined document including all responses to an individual set of discovery, and finally (3) that all highly confidential and confidential documents and discovery responses (and any requests containing confidential or highly confidential information) will be served only on the parties that have executed the appropriate Highly Confidential Non-Disclosure Agreements, and all nonconfidential requests and responses will be served on all parties. Tri-State asserts these modifications are appropriate because they will maximize the amount of time the parties are able to respond to discovery and will promote efficiency and cost savings, promote efficiency, as it is less time consuming to open one document versus multiple documents when reviewing responses, and promote efficiency by minimizing duplicative discovery requests.

7. The Motion further requests the Commission approve Tri-State's proposed treatment of confidential information. Tri-State proposes Rules 1100 and 1101, 4 CCR 723-1, govern the treatment of confidential information and, pursuant to these rules, Tri-State further proposes any party that claims that information is highly confidential will file an appropriate motion in this proceeding to obtain a ruling that the information is highly confidential and a ruling on the extraordinary protection to be afforded to that highly confidential information.

8. On July 25, 2025, pursuant to the Commission's directive, Tri-State filed a notice of consensus procedural schedule. The notice requests the Commission approve the below consensus procedural schedule which Tri-State asserts, is aligned to the unique procedural requirements identified in the rules for OWM proceedings and agreed upon by the parties.

9. Tri-State explains, for instance, the parties agreed on a public comment hearing format, rather than an evidentiary hearing, for this Proceeding. Specifically, Tri-State states the

parties agreed that the required public comment hearing would be best structured similar to a rulemaking hearing before the Commission, where there is an opportunity for parties (and the public) to provide comments as well as an opportunity for the Commission to ask questions of Tri-State and the parties. Tri-State explains this format is meant to strike a balance and does not include cross-examination or other questioning between the parties. Instead, only the Commission will be empowered to ask questions of the parties. Tri-State respectfully requests that the Commission approve this hearing format in connection with the proposed procedural schedule below:

| Procedural Activity | Date |
|------------------------------|--------------------|
| Application Filed | June 16, 2025 |
| Intervention Deadline | July 9, 2025 |
| Initial Comments | September 10, 2025 |
| Response Comments | September 25, 2025 |
| Public Comment Hearing | October 7, 2025 |
| Commission Decision Deadline | November 13, 2025 |

10. We find good cause to grant Tri-State's Motion regarding the proposed discovery and confidentiality procedures outlined above, and we adopt the consensus procedural schedule as described in the Tri-State's notice. The proposed dates and procedures conform to the Commission's rules and will enable the Commission to render the required public interest determinations in a timely manner consistent with § 40-5-108, C.R.S.

11. The public comment hearing will be held remotely using web-based conferencing Zoom platform. Members of the public cannot attend the remote public comment hearing in-person.

12. 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/puccalendar>.

13. A court reporter will live transcribe each of the hearings 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 the opportunity to comment, and the transcribed record is clear and understandable. 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.

14. 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.

15. 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.

16. 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. 25A-0266E” 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)

17. 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 accommodation should be made at least one week prior to the event by completing the [Language Access Form](#) available at the Commission's webcast page.

II. ORDER

A. It Is Ordered That:

1. The Motion to Approve Procedural Schedule, Discovery Procedures, and Treatment of Confidential Information filed by Tri-State Generation and Transmission Association, Inc. (“Tri-State”) on June 16, 2025, is granted, in part, consistent with the discussion above.

2. The Procedural Schedule proposed in Tri-State's Notice of Consensus Procedural Schedule filed on July 25, 2025, is adopted, consistent with the discussion above.

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

DATE: October 7, 2025

TIME: 9:00 a.m. until concluded by the Commission

WEBCAST: Commission Hearing Room A

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.

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

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 30, 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