

Decision No. C25-0610-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 24A-0547E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2025-2029 DISTRIBUTION SYSTEM PLAN AND THE GRID MODERNIZATION ADJUSTMENT CLAUSE.

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PROCEEDING NO. 25A-0061E

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IN THE MATTER OF THE APPLICATION FOR APPROVAL OF PUBLIC SERVICE COMPANY OF COLORADO'S AGGREGATOR VIRTUAL POWER PLANT PROGRAM AND TARIFF, ALONG WITH ASSOCIATED PROGRAM BUDGET AND COST RECOVERY METHODOLOGY.

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**INTERIM COMMISSION DECISION ADDRESSING  
MOTION TO APPROVE SETTLEMENT AGREEMENTS  
AND ESTABLISHING DEADLINES AND GRANTING  
MOTION FOR EXTRAORDINARY PROTECTION**

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Issued Date: August 21, 2025

Adopted Date: August 20, 2025

**I. BY THE COMMISSION**

**A. Statement**

1. By this Decision, the Commission grants the Unopposed Motion of Public Service Company of Colorado for a Protective Order Affording Extraordinary Protection for Certain Internal Engineering Memoranda (“Motion for Extraordinary Protection”) filed by Public Service Company of Colorado (“Public Service” or the “Company”) on August 18, 2025.

2. Also by this Decision, the Commission addresses the Motion to Approve Comprehensive AVPP Settlement Agreement, Motion to Approve Unopposed NWA-TDA

Settlement Agreement, Notice of Partial GMAC Stipulation, Unopposed Motion for Variance of Settlement Testimony Deadline, and Unopposed Motion to Shorten Response Time (“Settlement Motion”) and grants the Settlement Motion request to establish a deadline of noon on August 21, 2025 for settlement testimony.

## **B. Background**

3. On December 16, 2024, Public Service Company of Colorado (“Public Service” or the “Company”) filed its Application for Approval of its 2025-2029 Distribution System Plan (“DSP”) and Grid Modernization Adjustment Clause (“Application”) in this Proceeding. On January 31, 2025, pursuant to Senate Bill (“SB”) 24-218, Public Service filed an Application for Approval of an Aggregator Virtual Power Plant in Proceeding No. 25A-0061E (Proceeding No. 25A-0061E or “AVPP Application”). This Proceeding is the consolidated docket of the AVPP Application and the DSP Application.

4. By Decision No. C25-0154-I, the Commission deemed the DSP Application complete and granted the requests for permissive intervention filed by Colorado Energy Consumers Group (“CEC”); the City and County of Denver (“Denver”); the Interstate Renewable Energy Council (“IREC”); Pivot Energy Inc. (“Pivot”); the Eastern Metro Area Business Coalition (the “Eastern Metro Area Business Coalition”); the City of Boulder (“Boulder”); Holy Cross Electric Association Inc. (“Holy Cross”); Western Resource Advocates (“WRA”); Tesla, Inc. (“Tesla”); the Southwest Energy Efficiency Project and Natural Resource Defense Counsel, jointly (“SWEEP/NRDC”); Mission:data Coalition, Inc. (“Mission:data”); and filing jointly, the Colorado Solar and Storage Association (“COSSA”), the Solar Energy Industries Association (“SEIA”); the Coalition for Community Solar Access (“CCSA”), and the Advanced Energy United (“AEU”) (jointly the “Associations for Clean Energy,” or “ACE”). The Commission acknowledged the

notices of intervention of right filed by Trial Staff of the Commission (“Staff”), the Office of the Utility Consumer Advocate (“UCA”), and the Colorado Energy Office (“CEO”). By Decision No. C25-0155-I, the Commission deemed the AVPP Application complete and established the parties to the AVPP Proceeding, including CEC; Pivot; Boulder; WRA; AEU; COSSA/SEIA/CCSA; Colorado Renewable Energy Society; Mr. William Althouse; Solar United Neighbors; CEO; UCA; and Staff.

5. By Decision No. C25-0261-I, the Commission consolidated the DSP and AVPP Applications, established a procedural schedule, and scheduled an evidentiary hearing for August 25 through September 5, 2025. Through Decision No. C25-0590-I, the Commission extended the deadline for any settlements or stipulations to August 15, 2025.

6. On August 15, 2025, the Commission received three agreements: one relating to the Aggregator Virtual Power Plant (“AVPP”) program at issue in Proceeding No. 25A-0061E; and the second relating to Non-Wires Alternatives (“NWAs”) and Targeted Demand Areas (“TDAs”) at issue in the Distribution System Plan (“DSP”) proceeding, Proceeding No. 24A-0547E, and a stipulation relating to certain Grid Modernization Adjustment Clause (“GMAC”) issues. In conjunction with the agreements, the Company filed the Settlement Motion.

7. In the Settlement Motion, the Company requests that: the Commission grant the settlement agreements, the Commission consider the AVPP Settlement Agreement at the beginning of the evidentiary hearing, the Commission establish a response deadline of noon on August 21, 2025, for the Settlement Motion, and that any testimony regarding the Settlement Motion be filed by noon on August 21, 2025.

## **C. Findings and Conclusions**

### **1. Settlement Motion**

8. We find good cause to grant the Settlement Motion to the extent it requests noon on August 21, 2025, be the deadline for any settlement testimony. However, any testimony filed after August 19, 2025, will need to be entered into the record via the Box.com process at hearing if not reflected on the hearing exhibit matrix. We also find good cause to set shortened response time to the Settlement Motion on any procedural issues to the same deadline as well. However, the Commission does not find any need to rush responses to the substance of the Settlement Motion at this time. Typically, parties respond to settlement agreements in due course throughout the Proceeding and we find the same is appropriate here. Further, any modifications to the hearing process will be taken up at the prehearing conference.

### **2. Motion for Extraordinary Protection**

9. On August 18, 2025, Public Service filed a Motion for Extraordinary Protection in which it requests the Commission enter an order granting extraordinary protection under Rule 1101(b), 4 Code of Colorado Regulations (“CCR”), 723-1, for certain documents within the category of the Company’s internal engineering memoranda relating to distribution feeders. The Company explains Staff has requested that it respond to an interrogatory in a discovery request with information regarding the process for planning distribution feed projects. The Company states it has determined that “non-public and sensitive internal engineering memoranda relating to the planning process for distribution feeders, along with any attachments to such memoranda,”<sup>1</sup> within the category of Highly Confidential Information, are potentially responsive to Staff’s request and asserts it treats the internal memoranda at issue as highly confidential because they reveal

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<sup>1</sup> Motion for Extraordinary Protection, ¶ 3.

proprietary, non-public, and location-specific details regarding the structure and operation of the Company's distribution system. The Company further asserts that if such information were disclosed to an outside party, it would create security concerns for the distribution grid, the Company's customers, and Company employees. The Company also asserts the memoranda at issue contain detailed maps that warrant the same protections granted by the Commission regarding the Company's first motion for extraordinary protection filed in this Proceeding.

10. Public Service requests access to the Highly Confidential Information be limited to the Commissioners, the Administrative Law Judge (if any), the Commission's advisory staff and advisory attorneys, Trial Staff and attorneys for Trial Staff, and a reasonable number of representatives and counsel for the parties to this Proceeding.

11. The Company asserts the requested protections strike the appropriate balance between the need for disclosure within the confines of this Proceeding and the need to protect the interests of Public Service, its customers, and the distribution grid. The Company also maintains the request is reasonable, in the public interest, and consistent with past Commission decisions. And, because the Motion is unopposed, Public Service also requests a waiver of response time pursuant to Commission Rule 1308(c), 4 CCR, 723-1.

12. When presented with a motion for extraordinary protection of claimed highly confidential information, the Commission determines whether the information is, in fact, highly confidential, the level of extraordinary protection that may be warranted, and to whom access should be granted. Rule 1101(d), 4 CCR 723-1, allows the Commission to "enter a decision granting the motion and ordering the highly confidential protection which the Commission, in the exercise of its discretion, deems appropriate; may enter a decision denying the motion; or may enter any other appropriate decision."

13. The operative language in Rule 1101(b)(IV), 4 CCR 723-1, which concerns motions requesting highly confidential protection, requires that the motion:

shall include a showing that the information for which highly confidential protection is sought is highly confidential; that the protection afforded by the Commission's rules for furnishing confidential information provides insufficient protection for the highly confidential information; and that, if adopted, the highly confidential protections proposed by the movant will afford sufficient protection for the highly confidential information ...

14. We find the reasoning and arguments persuasive in the Motion for Extraordinary Protection. The motion states good cause to grant the relief sought under Rule 1101. The Commission further finds the requested protections are appropriate, are reasonable, and are consistent with the Commission's Rules and past practice. Based on the foregoing, we grant the motion to afford extraordinary protection and approve the non-disclosure agreements. We also find good cause to waive response time to the unopposed motion.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The Unopposed Motion of Public Service Company of Colorado for a Protective Order Affording Extraordinary Protection for Certain Internal Engineering Memoranda filed on August 18, 2025, is granted, and response time to the motion is waived, consistent with the discussion above.

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

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 20, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MEGAN M. GILMAN

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TOM PLANT

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Commissioners

COMMISSIONER ERIC BLANK  
ABSENT