

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

PROCEEDING NO. 25A-0266E

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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.

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**INTERIM COMMISSION DECISION GRANTING  
MOTION FOR EXTRAORDINARY PROTECTION**

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Issued Date: August 27, 2025

Adopted Date: August 20, 2025

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

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

2. 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 procedural motion.

3. On July 18, 2025, by Decision No. C25-0530-I, the Commission acknowledged the interventions of right filed by Trial Staff of the Commission (“Staff”), the Colorado Office of the Utility Consumer Advocate (“UCA”), and the Colorado Energy Office (“CEO”). The Commission also granted the motions for permissive intervention filed by: Interwest Energy Alliance (“Interwest”); Black Hills Colorado Electric, LLC (“Black Hills”); Western Resource Advocates (“WRA”); and Holy Cross Electric Association, Inc (“Holy Cross”). Also through Decision No. C25-0530-I, 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. Tri-State then timely filed a proposed consensus procedural schedule.

4. On August 6, 2025, by Decision No. C25-0578-I, the Commission adopted the proposed consensus procedural schedule and granted Tri-State’s procedural motion, in part.

5. Also on August 6, 2025, Tri-State filed an Unopposed Motion for Extraordinary Protection (“Motion”) in which it seeks extraordinary protection for categories of documents and information it collectively refers to as Highly Confidential Information. Specifically, Tri-State requests extraordinary protection for interconnection customer information (including interconnection status for particular bids in Tri-State’s 2023 ERP) and certain resources, sales, and load detail for preliminary SPP RTO Expansion planning reserve margin analysis.

6. Regarding conferral, Tri-State explains CEO, UCA, WRA, and Staff take no position on the Motion. Holy Cross and Interwest did not provide a conferral response. While Black Hills takes no position, it reserves the right to respond to the Motion.

7. On August 14, 2025, by Decision No. C25-0592-I, the Commission set a shortened response time to the motion and required any response to the Motion to be filed by August 15, 2025. No responses to the Motion were filed and the Motion is unopposed.

8. Pursuant to Rules 1101(b) and 1400 of the Commission’s Rules of Practice and Procedure, 4 CCR 723-1, Tri-State requests a Commission order granting extraordinary protection for competitively sensitive information associated with Tri-State’s Responses to Staff’s Second Set of Discovery Requests to Tri-State in this proceeding. Tri-State explains that as part of intervenor Trial Staff’s second set of written discovery requests, Staff requested that Tri-State identify which of its 2023 Electric Resource Plan (“ERP”) bids are in which interconnection status (including any updates if any status has changed since June 5, 2025) and provide the earliest anticipated date by which an interconnection agreement could potentially be signed for each.

9. Tri-State further explains that although it provides its interconnection queue publicly on its Open Access Same-Time Information System (“OASIS”), it does not publicly list specific interconnection customer information until a customer executes a Large Generator Interconnection Agreement (“LGIA”). Tri-State explains this practice ensures compliance with its Open Access Transmission Tariff, which requires that Tri-State keep interconnection customers identifying information confidential until the execution of an LGIA. In addition, Tri-State states its ERP is currently pending before the Commission and, as a result, it has not yet executed agreements (*e.g.*, power purchase agreements) to secure the resources described in its ERP.<sup>1</sup>

10. Tri-State seeks extraordinary protection for categories of documents and information it collectively refers to as “Highly Confidential Information”. Specifically, Tri-State seeks extraordinary protection for interconnection customer information (including interconnection status for particular bids in its 2023 ERP); and certain resources, sales, and load detail for preliminary SPP RTO Expansion planning reserve margin analysis.

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<sup>1</sup> Motion for Extraordinary Protection, pp. 2-3.

11. Tri-State asserts that disclosure of the Highly Confidential Information could cause irreparable harm to Tri-State's operations or negotiations with interconnection customers, if disclosed.

12. Tri-State also asserts that the highly confidential information is competitively sensitive and could advantage Tri-State's competitors' ability to assess particular bids in the 2023 ERP and potentially compete for those or similar projects.

13. Tri-State maintains the categories of Highly Confidential Information for which it requests extraordinary protection are similar to information for which the Commission has provided extraordinary protection in previous proceedings, such as its 2023 and 2020 ERP.

14. Tri-State therefore requests that access to highly confidential information be limited to only parties to this Proceeding that are not Tri-State competitors. Tri-State defines competitors as including the representatives and attorneys for other public utilities and their affiliates, independent power producers and their affiliates, and any other company and their affiliates with business functions that include the sale of energy or the development of facilities for the production of energy. Tri-State further asks that for parties that are not competitors of Tri-State, access to the Highly Confidential Information be further limited to a "reasonable number of attorneys" and a "reasonable number of subject matter experts". Finally, Tri-State requests individuals accessing this information, with the exception of the Commission and Commission Trial Staff be required to execute the Highly Confidential NDA that is provided as an attachment to the Motion.

15. 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.

16. 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 ...

17. We find the reasoning and arguments persuasive in the Motion and find 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.

## **II. ORDER**

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

1. The Unopposed Motion for Extraordinary Protection of Highly Confidential Information filed by Tri-State Generation and Transmission Association, Inc. on August 6, 2025, is granted, 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

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Commissioners

COMMISSIONER ERIC BLANK  
ABSENT