

Decision No. C25-0812-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25V-0480E

IN THE MATTER OF THE VERIFIED PETITION OF TRIAL STAFF OF THE COMMISSION, THE COLORADO ENERGY OFFICE, THE COLORADO OFFICE OF THE UTILITY CONSUMER ADVOCATE, AND PUBLIC SERVICE COMPANY OF COLORADO FOR A VARIANCE FROM ORDERING PARAGRAPHS 1 AND 2 OF DECISION NO. C18-0761 AND ANY OTHER REQUIREMENTS

**INTERIM COMMISSION DECISION GRANTING
REQUEST FOR SHORTENED NOTICE AND
INTERVENTION PERIOD, AND ESTABLISHING
DEADLINE FOR RESPONSES TO PETITION**

Issued Date: November 12, 2025

Adopted Date: November 12, 2025

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 10, 2025, Trial Staff of the Public Utilities Commission, the Colorado Energy Office, the Colorado Office of the Utility Consumer Advocate, and Public Service Company of Colorado (“Public Service” or the “Company”) (collectively, “Joint Petitioners”) filed a Verified Petition seeking a variance from Ordering Paragraphs 1 and 2 of Decision No. C18-0761, and any other decisions the Commission deems necessary, to modify the planned retirement date of Comanche Unit 2 (“Pueblo Unit 2”) from December 31, 2025, to December 31, 2026 (“Petition”).

2. Relevant to the Petition, Decision No. C18-0761¹ approved the proposed early retirement of Pueblo Units 1 and 2 at the generation station, which is owned and operated by Public Service and located in Pueblo, Colorado, as part of the Company's 2016 Electric Resource Plan. Pueblo Unit 2 was set to retire on December 31, 2025. The Commission further directed the Company to file an application to amend the Certificates of Public Convenience and Necessity ("CPCN") for Pueblo Units 1 and 2, pursuant to Rule 3103, 4 *Code of Colorado Regulations* ("CCR") 723-3.

3. Joint Petitioners contend that recent events have resulted in challenges to the planned retirement. As set forth in the Petition, these events fall generally into four categories: (1) the impact of the extended outage of Pueblo Unit 3 on Public Service's system; (2) increasing peak load growth in Public Service's territory; (3) supply chain and geopolitical/macroeconomic impacts; and (4) reassessment of resource accreditation and planning reserve margin methodologies.

4. Joint Petitioners therefore seek relief in the form of a variance from the Commission's directive to file a CPCN amendment to effectuate a retirement of the Pueblo Unit 2 by the end of this year, as well as any other requirements the Commission deems necessary,

5. Joint Petitioners contend good cause exists to grant the requested variance and that the limited modification of the planned Pueblo Unit 2 retirement date is in the public interest. Joint Petitioners also state the Petition does not seek an order allowing for the operation of Pueblo Unit 2 in perpetuity, but rather it seeks a modest extension in the plan to retire the unit while establishing a process that will assess both resource options and mechanisms to continue orderly progress towards Colorado's 2030 emissions reduction objectives.

¹ Issued September 10, 2018, in Proceeding No. 16A-0396E.

6. Additionally, Joint Petitioners propose a two-step process for further evaluation in which the Company will provide two updates to the Commission on work in the extended review period. For the first step, the Company will provide a report to the Commission on March 1, 2026, which will include, among other things, an update on the repair and return to service status of Pueblo Unit 3, including forecasted cost of repairs, any resource options identified in collaborative work with the Joint Petitioners for potential near-term resource adequacy benefits, and other analysis relevant to the four areas outlined above. For the second step, the Company commits to submitting an application on June 1, 2026, which would consist of any additional variances or resource approvals building on the report and will include, among other things, updated loads and resources tables and loss of load calculations that include analysis of new resources projected to come on-line from the Company's Near-Term Procurement, the Just Transition Solicitation Phase II resource solicitation,² or other relevant proceedings.

7. Joint Petitioners request a shortened notice and intervention period of 10 days from the filing date, and that any responses to the petition be filed with the requests for intervention. Joint Petitioners also propose a deadline of November 26, 2025, for Joint Petitioners to reply to any filed responses.

8. The Petition is available for public inspection by accessing the Commission's E-filings system at puc.colorado.gov. This Decision is the notice that the Petition seeking to modify the planned retirement date of Pueblo Unit 2 from December 31, 2025, to December 31, 2026, has been filed.

9. To allow for expeditious consideration of the Petition, we find good cause to set a shortened notice and intervention period of 10 days through November 20, 2025. Requests for

² Proceeding No. 24A-0442E.

intervention, which should include any responses to the Petition, shall be due on **November 20, 2025**.

10. The Joint Petitioners shall file any reply to the responses by **November 26, 2025**, as requested in the Petition.

11. We will address the substance of the Petition, including establishing any additional procedures if necessary, at a future date.³

II. ORDER

A. It Is Ordered That:

1. The request of Trial Staff of the Public Utilities Commission, the Colorado Energy Office, the Colorado Office of the Utility Consumer Advocate, and Public Service Company of Colorado to shorten the notice and intervention period for its Verified Petition filed on November 10, 2025, is granted, consistent with the discussion above.

2. Any person desiring to intervene or participate as a party in this proceeding shall file a motion to intervene, or under the Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party, by **November 20, 2025**. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments through the Commission's comment portal at <https://puc.colorado.gov/puccomments>. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

³ Joint Petitioners request a deliberations date of December 3, 2025. While the Commission grants the requested shortened notice and intervention, in addition to initial response and reply deadlines, other deadlines including a deliberation date are not adopted by this Decision. Upon review of filings, the Commission will consider appropriate next steps and timing as necessary.

3. The deadline for filing a substantive response to the Verified Petition shall be **November 20, 2025**. Parties wishing to respond to the Verified Petition should file any response concurrently with a motion to intervene.

4. Joint Petitioners shall file any reply to the responses by **November 26, 2025**.

5. The Commission may consider the Petition without a hearing. If a hearing is required in this matter, the Commission will notify the parties of the hearing date, time, and location.

6. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
NOVEMBER 12, 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

Rebecca E. White,
Director