

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0560E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE DENVER METRO TRANSMISSION NETWORK IMPROVEMENT PROJECT, A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE LEETSDALE-ELATI TRANSMISSION PROJECT, AND ASSOCIATED FINDINGS OF NOISE AND MAGNETIC FIELD REASONABLENESS.

**INTERIM DECISION EXTENDING STATUTORY
DEADLINE, ADOPTING PROCEDURAL SCHEDULE,
SCHEDULING REMOTE HEARING, PROVIDING
INSTRUCTIONS CONCERNING EXHIBITS AND FOR
PARTICIPATING IN REMOTE HEARING, ORDERING
ADDITIONAL SUPPLEMENTAL DIRECT TESTIMONY,
AND GRANTING MOTION TO SHORTEN RESPONSE
TIME TO MOTION FOR LEAVE TO REPLY**

Issued Date: February 28, 2025

I. STATEMENT

A. Relevant Procedural Background

1. On December 20, 2024, Public Service (“Public Service or “the Company”) filed its Application (“Application”) seeking issuance of Certificates of Public Convenience and Necessity for the Denver Metro Transmission Network Improvement Project and the Leetsdale-Elati 230 kv (“kilovolt”) Underground Transmission Upgrade Project. Additionally, the Company requests the Commission make associated findings of noise and magnetic field reasonableness, approve the Company’s proposed Performance Incentive Mechanism, and approve the Company’s proposed use of an Independent Engineer. In support of its Application,

Public Service included pre-filed Direct Testimony and accompanying attachments of six witnesses.

2. Concurrent with its Application, Public Service filed an Omnibus Motion for Extraordinary Protection of Highly Confidential Information (“Motion for Extraordinary Protection”) and for Waiver of Rules 3206(e)(IV)-(VI) and 3206(f)(IV)-(V) Regarding Noise and Magnetic Field Levels (“Motion for Waiver”).

3. The Commission issued a Notice of Application Filed on December 23, 2024. The Notice set a 30-day intervention period that ran through January 22, 2025.

4. On January 6, 2025, the Colorado Office of the Utility Consumer Advocate (“UCA”) filed a notice of intervention of right and request for hearing.

5. On January 22, 2025, the Colorado Independent Energy Association (“CIEA”) filed a motion seeking to permissively intervene in this Proceeding.

6. On January 22, 2025, Tri-State Generation and Transmission Association, Inc. (“Tri-State”) filed a motion seeking to permissively intervene in this Proceeding.

7. On January 27, 2025, Trial Staff of the Commission (“Staff”) filed a notice of intervention of right and request for hearing.

8. On January 31, 2025, the Commission issued Decision No. C25-0074 that referred the proceeding to an Administrative Law Judge (“ALJ”). The proceeding was subsequently assigned to the undersigned ALJ. Decision No. C25-0074 also ordered Public Service to file supplemental direct testimony on topics specified in the Decision by a deadline established by the ALJ in the context of a schedule for the entire proceeding.

9. On February 10, 2025, the ALJ issued Decision No. R25-0087-I that granted the Motions to Intervene filed by CIEA and Tri-State and Public Service’s Motion for Extraordinary

Protection, scheduled a remote prehearing conference for February 24, 2025 at 1:30 p.m., required the parties to confer regarding a procedural schedule and for Public Service to file a report of conferral, and required the intervening parties to file a response to Public Service’s Motion for Waiver.

10. On February 19, 2025, Public Service timely filed the Conferral Report. In it, Public Service reported that the parties had agreed to the following procedural schedule (“Consensus Schedule”):

<u>Event</u>	<u>Deadline</u>
Supplemental Direct Testimony	March 14, 2025
Answer Testimony	May 2, 2025
Rebuttal/Cross-Answer Testimony	June 6, 2025
Settlement Agreement(s)	June 27, 2025
Settlement Testimony	July 3, 2025
Evidentiary Hearing	July 16-18, 2025
Settlement Hearing	July 18, 2025
Statements of Position	August 1, 2025

Public Service also reported that the parties agree that: (a) Commission Rule 1405 will govern discovery; and (b) the hearing should be conducted as a remote hearing. Finally, Public Service stated that the parties either support or do not oppose a 30-day extension of the statutory deadline for a decision in this proceeding based on extraordinary circumstances, as permitted by § 40-6-109.5(4). The extraordinary circumstances are the Commission’s docket congestion and the conflicting schedules of the parties’ counsel and witnesses during the period when the hearing would have to take place for the Commission to be able to comply with the statutory deadline. As a result, the hearing date proposed by the parties is approximately 30 days after the deadline

for the completion of the hearing identified in Decision No. R25-0087-I as necessary to provide the Commission with adequate time to issue a final decision within the statutory deadline.

11. On February 19, 2025, Staff, UCA, and Tri-State filed responses to Public Service’s Motion for Waiver. Staff and UCA stated that they oppose, and Tri-State reported that it takes no position with respect to, Public Service’s Motion for Waiver.

12. On February 21, 2025, the ALJ sent counsel for the parties an email informing them that the Consensus Schedule is acceptable and the remote prehearing conference scheduled for February 24, 2025 would be vacated.

13. On February 27, 2025, Public Service filed a Motion for Leave to Reply and Reply Brief in Support of the Motion for Waiver (“Motion for Leave”). Public Service requests that response time to the Motion for Leave be shortened to seven days.

B. Pre- and Post-Hearing Schedule

14. The Consensus Schedule will be accepted. The ALJ is adding deadlines for the filing of corrections to pre-filed testimony and exhibits, prehearing motions, responses to prehearing motions, and a cross-examination matrix to ensure the orderly and efficient management of this proceeding. The schedule for the proceeding is as follows:

<u>Event</u>	<u>Deadline</u>
Supplemental Direct Testimony	March 14, 2025
Answer Testimony	May 2, 2025
Rebuttal/Cross-Answer Testimony	June 6, 2025
Corrections to Pre-Filed Testimony & Exhibits	June 13, 2025
Settlement Agreement(s)	June 27, 2025

<u>Event</u>	<u>Deadline</u>
Settlement Testimony Prehearing Motions	July 3, 2025
Responses to Prehearing Motions	July 10, 2025
Cross-Examination Matrix	July 14, 2025
Hearing	July 16-18, 2025
Statements of Position	August 1, 2025

15. In adopting the schedule above, the ALJ relies on the representation in the Conferral Report that the parties either support or do not oppose extension of the statutory deadline under § 40-6-109.5(4), C.R.S. based on a finding that extraordinary circumstances exist justifying a 30-day extension.¹ As noted in the email the ALJ sent to the parties informing them that the remote prehearing conference would be vacated, the ALJ will wait until a later date to extend the deadline pursuant to § 40-6-109.5(4), C.R.S. when the record will be more fully developed.

16. In order to efficiently organize the numbering and preparation of exhibits for the hearing, all parties must use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Public Service is assigned hearing exhibit numbers 100 to 199;
- Staff is assigned hearing exhibit numbers 200 to 299;
- UCA is assigned hearing exhibit numbers 300 to 399;
- CIEA is assigned hearing exhibit numbers 400 to 499; and
- Tri-State is assigned hearing exhibit numbers 500 to 599.

C. Remote Evidentiary Hearing

17. As agreed to by the parties, the evidentiary hearing shall be scheduled for July 16-18, 2025. Based on the input of the parties, the hearing will be conducted as a remote

¹ Conferral Report at pp. 5-6 (¶¶ 13-16).

hearing. This Decision and Attachments A and B provide critical information and instructions to facilitate holding the remote hearing, which all parties must follow.

18. To minimize the potential that the remote hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

19. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic evidence presentations at the remote hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

D. Extension of Deadline

20. As stated in the Notice, because Public Service filed testimony with the Application, the Commission is required by § 40-6-109.5(1), C.R.S., to issue its decision within 120 days of the Application being deemed complete by the Commission. Thus, the Commission's decision in this proceeding must issue by May 31, 2025. However, § 40-6-109.5(1), C.R.S., also provides that the Commission may, in its discretion and by a separate decision, extend the time for a decision by an additional 130 days.

21. Here, considering the Consensus Schedule proposed by the parties, the time available, the time necessary to address other pending matters, and the need for the Commission to have adequate time to deliberate on the issues presented in this matter, it is not feasible for a final Commission decision to issue by May 31, 2025. Accordingly, pursuant to § 40-6-109.5(1), C.R.S., it is necessary to extend the deadline for an additional 130 days to October 8, 2025.

E. Supplemental Direct Testimony

22. In addition to the topics on which the Commission ordered Public Service to provide Supplemental Direct Testimony, the ALJ directs Public Service to provide Supplemental Direct Testimony on the following:

- a. Tables SPW-D-7 through SPW-D-18 in Hearing Exhibit 104 compare the noise and magnetic field strength modeling results with the thresholds deemed reasonable in Commission Rules 3206(e) and (f). For each case in which (1) the Company proposes not to mitigate an exceedance indicated in these tables; and (2) the proposed new transmission asset (transmission line or substation) is modeled to increase either the noise or magnetic field strength above the levels modeled or measured for existing equipment, please provide supplemental testimony identifying the technical alternatives considered to mitigate each exceedance and supporting its calculations for the approximate cost of such alternatives. This testimony shall include any proposed greenfield assets (*i.e.*, assets that are not replacing or modifying existing assets) where noise or field strength levels are projected to exceed the thresholds established by rule.
- b. For each of the overloads indicated in Appendix B to HE 103, Att. AWS-1, Rev. 1, please provide the number of hours in which modeling indicates each asset will exceed 100 percent of its rating. Please also characterize the degree to which overload hours on the various elements shown in the appendix overlap, for example by providing a daily histogram showing the number of overloads in each hour during days when the greatest numbers of overloads are modeled to occur.
- c. Please describe or cite existing testimony describing any investigation the Company has conducted to understand the degree to which the many overloads indicated in Appendix B to HE 103 could be mitigated by increasing generation at thermal power plants located either within or north of the metro constraint during some or all of the hours of grid stress indicated in the response to the previous question.

F. Remote Prehearing Conference

23. The Conferral Report comprehensively addresses the issues the ALJ intended to address at the remote prehearing conference. Accordingly, the remote prehearing conference scheduled will be vacated.

G. Motion for Leave

24. As noted above, the Motion for Leave requests that response time thereto be shortened to seven days. Public Service further states that it has conferred with the other parties and is authorized to represent that they do not oppose the request to shorten response time. Accordingly, the request will be granted and response time to the Motion for Leave will be shortened to seven days.

II. ORDER**A. It Is Ordered That:**

1. For the reasons stated above, the deadline for a Commission decision on the Application filed in this proceeding is extended to October 8, 2025.

2. The schedule stated in paragraph 14 above is adopted.

3. A remote hearing in this proceeding is scheduled as follows:

DATE: July 16-18, 2025

TIME: 9:00 a.m. to 5:00 p.m.

PLACE: By video conference: using the Zoom web conferencing platform at a link be provided to the participants by email.²

² Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All participants are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

4. The remote prehearing conference scheduled for February 24, 2025 at 1:30 p.m. is vacated.

5. The Motion to shorten response time to the Motion for Leave to Reply and Reply Brief in Support of the Motion for Waiver (“Motion for Leave”) filed by Public Service Company of Colorado on February 27, 2025 is granted. Response time to the Motion for Leave is shortened to seven days.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director