

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

PROCEEDING NO. 25A-0112E

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IN THE MATTER OF THE VERIFIED APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CHEYENNE RIDGE II WIND PROJECT, SINGING GRASS WIND PROJECT, AND TOWNER WIND PROJECT FROM THE ALTERNATIVE PORTFOLIO APPROVED IN PHASE II OF THE 2021 ELECTRIC RESOURCE PLAN & CLEAN ENERGY PLAN IN PROCEEDING NO. 21A-0141E.

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**INTERIM DECISION  
VACATING HEARING  
AND REQUIRING FILINGS**

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Issued Date: August 11, 2025

**I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY**

**A. Statement and Summary**

1. This Decision vacates the evidentiary hearing scheduled for August 21 and 22, 2025; requires the parties to the Comprehensive and Unopposed Settlement Agreement filed July 28, 2025 (“Settlement Agreement” or “Agreement”) to file certain documents relevant to or referenced in the Settlement Agreement by August 19, 2025; and Colorado Energy Consumers (“CEC”) to make a filing by that same date under the conditions discussed below.

**B. Procedural History<sup>1</sup>**

2. On March 17, 2025, Public Service Company of Colorado (“Public Service” or “the Company”) filed the above-captioned Verified Application (“Application”) seeking Certificates of Public Convenience and Necessity to construct the Cheyenne Ridge II, Singing Grass, and Towner wind projects (“the facilities”).

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<sup>1</sup> Only the procedural history necessary to understand this Decision is included.

3. During its weekly meeting held April 23, 2025, the Colorado Public Utilities Commission (“Commission”) deemed the Application complete, per § 40-6-109.5, C.R.S., and referred this matter by minute entry to an Administrative Law Judge (“ALJ”) for disposition.

4. In addition to Public Service, the following entities are parties to this Proceeding: Commission Trial Staff (“Staff”); the Office of the Utility Consumer Advocate (“UCA”); CEC; and Climax Molybendum Company (“Climax”).<sup>2</sup>

5. On May 30, 2025, the ALJ scheduled an evidentiary hearing on the Application for August 21 and 22, 2025; established deadlines and procedures relating to that hearing; and extended the statutory deadline for a final Commission decision to issue to December 29, 2025, among other matters.<sup>3</sup>

6. On July 28, 2025, Public Service timely filed the Settlement Agreement with a supporting Motion.

7. On August 1, 2025, Staff and Public Service filed Settlement Testimony.

8. On August 6, 2025, Public Service filed the parties’ Joint Cross Examination Matrix (“Joint Examination Matrix”).<sup>4</sup>

## **II. DISCUSSION AND FINDINGS**

9. Staff, UCA, Climax, and Public Service (“Settling Parties”) are signatories to the Settlement Agreement.<sup>5</sup> CEC does not oppose the Agreement.<sup>6</sup> The Agreement states that CEC was unable to obtain final client approval by the deadline to file the Agreement, but that CEC may join

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<sup>2</sup> Decision No. R25-0407-I at 16 (issued May 30, 2025).

<sup>3</sup> *Id.* at 16-19.

<sup>4</sup> *See* Joint Examination Matrix.

<sup>5</sup> Settlement Agreement at 4.

<sup>6</sup> *Id.*

the Settlement Agreement at a later date by filing a notice. For the reasons discussed, the ALJ finds that the Settlement Agreement is unopposed.

10. The Joint Examination Matrix indicates that the parties do not intend to examine witnesses during the evidentiary hearing.<sup>7</sup> The Settlement Agreement is intended to resolve all disputes between the Settling Parties and comprehensively address the issues in this Proceeding.<sup>8</sup> Given all of this, the primary reason to move forward with the evidentiary hearing is to allow the ALJ an opportunity to examine witnesses about the Settlement Agreement. Having carefully reviewed the Settlement Agreement and relevant filings, the ALJ has not identified any questions for witnesses to address during a hearing. For the reasons discussed, the ALJ finds that at this time, there is no need to hold an evidentiary hearing. As a result, this Decision vacates the August 21 and 22, 2025 hearing.

11. That said, to ensure a clear record and avoid the risk that the ALJ relies on incorrect documents, the ALJ will require the Settling Parties to file certain documents that are relevant to the Settlement Agreement. For the reasons discussed, the Settling Parties will be required to file the following:

- documents that identify the “Commission's direction in the Phase II decision in Proceeding No. 21A-0141E” as contemplated by ¶ 4(b) of the Agreement;
- Decisions referenced in footnote 3 of the Agreement; and
- documents that identify the “mechanics and calculator approved in Proceeding No. 24A-0417E” as contemplated by ¶ 7 of the Agreement.

12. To ensure a clear record, these filings must be marked and filed as hearing exhibits, consistent with the requirements in Decision No. R25-0407-I and Attachment B thereto. By filing the documents, the Settling Parties agree that each of the filed documents are the documents

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<sup>7</sup> See Joint Examination Matrix.

<sup>8</sup> See Settlement Agreement at 2.

referenced in or relevant to the Settlement Agreement. This will confirm the ALJ is relying on the correct documents when deciding whether to approve the Settlement Agreement.

13. Once these documents are filed, the record will include sufficient facts and evidence for the ALJ to make a determination on the relief sought based on the record without a hearing.<sup>9</sup> However, if those documents raise questions, the ALJ may schedule a short evidentiary hearing or take other appropriate action to address those questions (such as requiring additional documents or information to be filed).

14. In addition, if CEC has decided to join the Settlement Agreement, it will be required to make a filing indicating this. If CEC does not join the Settlement Agreement, no action is required.

15. The only remaining deadline relating to the evidentiary hearing is the September 9, 2025 deadline to file Statements of Position (“SOPs”). Until the ALJ has reviewed the filings this Decision requires, it remains unclear whether SOPs will be necessary. As such, the ALJ does not vacate the deadline to file SOPs.

### **III. ORDER**

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

1. Consistent with the above discussion, the fully remote evidentiary hearing scheduled for August 21 and 22, 2025 is vacated.

2. On or by August 19, 2025, Public Service Company of Colorado, Public Utilities Commission Trial Staff, the Office of the Utility Consumer Advocate, and Climax Molybdenum Company must file or cause to be filed the documents discussed herein, consistent with the above requirements.

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<sup>9</sup> See § 40-6-109(5), C.R.S., and Rule 1403, of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

3. If the Colorado Energy Consumers has decided to join the Comprehensive and Unopposed Settlement Agreement filed July 28, 2025, it must make a filing indicating this on or by August 19, 2025.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,  
Director