

Decision No. R25-0634-I

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

PROCEEDING NO. 24M-0493G

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IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE COSTS OF  
PUBLIC SERVICE COMPANY OF COLORADO'S GAS UTILITY INFRASTRUCTURE  
PURSUANT TO SENATE BILL 23-291.

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**INTERIM DECISION GRANTING MOTION FOR  
EXTRAORDINARY PROTECTION**

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Issued Date: August 29, 2025

**I. STATEMENT**

1. The Commission opened this Proceeding on November 14, 2024, through Decision No. C24-0824 to identify and investigate the cost causation of residential development and other development of Public Service Company of Colorado's ("Public Service" or the "Company") gas utility operations pursuant to § 40-3-121, C.R.S. The Decision also designated Commissioner Megan M. Gilman as Hearing Commissioner pursuant to § 40-6-101(2), C.R.S.

2. By this Decision, the Hearing Commissioner grants the Motion for Extraordinary Protection ("MEP Motion") filed by Public Service on July 25, 2025.

**A. Background**

3. Decision No. C24-0824 opened this Proceeding pursuant to § 40-3-121, C.R.S. Section 40-3-121, C.R.S., on November 24, 2024, requires the Commission to identify and study specific and new large infrastructure investments. For each investment identified, the Commission must determine the extent to which new residential development or other development by a geographic area disproportionately necessitated the investment. The proceeding must also include

a cost benefit analysis of the growth in new residential development and other development to the natural gas utility customers for whom the investments were made, as well as non-participating natural gas utility customers and income qualified customers. The Commission must also determine whether alternative infrastructure, service investments, or other utility actions could mitigate impacts on non-participating or income-qualified customers and identify the up-front and service life costs and benefits of alternatives to new large infrastructure projects.

4. Interim Decision No. R25-0138-I established the work plan of the Proceeding in an effort to increase transparency for the public, stakeholders, and the Company of the anticipated timing and general methodology of the Commission's study. The work plan includes a comment period on the work plan, plans for data compilation (addressed by this Decision), a technical workshop, publication of a report and associated comment period, and a hearing pursuant to § 40-3-121, C.R.S. Notably, the timeline for the work plan now varies significantly from what was articulated in Decision No. R25-0138-I due to multiple requested delays from the Company, including through Decision No. R25-0454-I detailed below and the current motion. Through Decision No. R25-0138-I comments were solicited from stakeholders regarding Proceeding objectives and parameters for project selection.

5. Public Service and the Colorado Office of the Utility Consumer Advocate ("UCA") filed comments on the work plan in response to Interim Recommended Decision No. R25-0138-I on March 14, 2025.

6. Interim Decision No. R25-0316-I, issued on April 23, 2025, requires Public Service to file information to be used in the Commission's cost causation investigation of residential development and other development.

7. On May 19, 2025, Public Service filed its First Variance Motion and corresponding proposed redline of Decision No. R25-0316-I.

8. By Decision No. R25-0411-I, the Hearing Commissioner scheduled a technical conference to discuss the First Variance Motion. The technical conference was held on June 6, 2025.

9. Through Decision No. R25-0454-I, the Hearing Commissioner partially granted the First Variance Motion.

10. The Company has to date filed certain information responsive to the Hearing Commissioner's data directives. The Company also received another deadline extension through Commission Decision No. R25-0576-I.

11. On July 25, 2025, the Company filed its MEP Motion requesting extraordinary protection of two categories of data: The first category regards highly confidential customer-specific information protected by the Commission's data privacy rules, including Rule 1101, et. seq. The second category regards proprietary detailed information related to the Company's natural gas system infrastructure, including detailed system and location data that may create a security, safety, or other risk if disclosed publicly, including as contained in the "Synergi Gas" hydraulic models and related software (collectively, "Gas Infrastructure Modeling and Data").

## **B. Discussion, Findings, and Conclusions**

12. The Company requests extraordinary protection for two categories of information. The first category relates to "customer-specific information protected by the Commission's data privacy rules." This applies to the information requested relating to the Loveland CNG New Business Project because that project was undertaken to serve a single customer. The second

category relates to the highly confidential status of the Company's hydraulic modeling. The Company requests extraordinary protection for gas infrastructure related to gas system flow modeling data, natural gas infrastructure location information, and system operation information, all of which it claims is inordinately sensitive and competitively advantageous by nature and such information should be protected from disclosure.

13. 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.

14. 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 and its customers. The Company also maintains the request is reasonable, in the public interest, and consistent with past Commission decisions. 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."

15. 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 ...

16. 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 Motion for Extraordinary Protection filed by Public Service Company of Colorado on July 25, 2025, is granted, consistent with the discussion above.

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

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MEGAN M. GILMAN

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Hearing Commissioner

ATTEST: A TRUE COPY

A handwritten signature in dark ink that reads "Rebecca E. White". The signature is fluid and cursive, with the first name "Rebecca" being more prominent than the last name "White".

Rebecca E. White,  
Director