

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0194E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2026-2027 RENEWABLE ENERGY COMPLIANCE PLAN, DISPATCHABLE DISTRIBUTED GENERATION PROCUREMENT PROPOSAL, AND CORRESPONDING MODIFICATIONS TO ITS RENEWABLE ENERGY STANDARD ADJUSTMENT AND ELECTRIC COMMODITY ADJUSTMENT COST RECOVERY MECHANISMS.

**INTERIM DECISION RELATING TO
PUBLIC SERVICE’S MOTION TO EXTEND**

Issued Date: September 3, 2025

I. STATEMENT, RELEVANT PROCEDURAL HISTORY, AND FINDINGS AND CONCLUSIONS

1. In addition to Public Service Company of Colorado (“Public Service”), the following entities are parties to this Proceeding: the Office of the Utility Consumer Advocate; the Colorado Energy Office (“CEO”); Staff of the Public Utilities Commission (“Staff”); Pivot Energy Inc.; the City of Boulder; Energy Outreach Colorado; Western Resource Advocates; SunShare, LLC; the Colorado Solar and Storage Association, Solar Energy Industries Association, and Coalition for Community Solar Access (collectively, the “Associations”); Climax Molybdenum Company; Cloudbreak Energy Partners, LLC; and GreenLatinos, GRID Alternatives, and Vote Solar.¹

2. On May 12, 2025, Public Service filed its Verified Omnibus Motion to Extend 2022-25 RE Plan (“Motion to Extend”), Motion for Issuance of Waivers and Variances Necessary to Implement its 2026-2027 Renewable Energy Compliance Plan, and Motion for Extraordinary

¹ Decision No. R25-0562-I (July 31, 2025 at p. 14).

Protection (collectively, the “Omnibus Motion”). Relevant here is the Motion to Extend portion of the Omnibus Motion. Public Service argues that extending its 2022-25 RE Plan and Renewable Energy Standard Adjustment (“RESA”) is reasonable and in the public interest as it will provide customers with certainty and continuity of service, and that such a request is consistent with prior Commission practice.²

3. In Decision No. R25-0532-I, issued July 21, 2025, the ALJ established a deadline of August 11, 2025 for responses to the Omnibus Motion.

4. The Associations and Staff timely filed Responses to the Omnibus Motion. In addition, CEO filed a response to the Motion to Extend portion of the Omnibus Motion. CEO supported the Motion to Extend.³ The Associations supported a Commission order continuing the 2022-25 RE Plan until the Proposed RE Plan goes into effect, stating that avoiding market disruptions warrants extending the 2022-25 RE Plan.⁴

5. In its Response, Staff noted it does not oppose the concept of extending the 2022-25 RE Plan and RESA until the Proposed RE goes into effect, but that it opposed Public Service’s specific requests because they “lack essential details, require further clarification and corrections, and do not provide an explanation of how the extension of the various programs under the [Proposed] RE Plan would interact with the program capacities and budgets” that may be ultimately approved.⁵ As one of several examples in its Response, Staff noted that Public Service’s Motion to Extend lacks clarity about whether costs incurred during the extension period will count toward the new RE Plan budget.⁶

² Omnibus Motion at p. 10

³ CEO Response at p. 1.

⁴ Associations’ Response at p. 2.

⁵ Staff Response at p. 2.

⁶ *Id.* at pp. 4-5.

6. On August 18, 2025, Public Service filed a Notice Regarding Motion to Extend, wherein it stated that it is “actively working with Staff to understand and potentially address Staff’s concerns.”⁷ Public Service further stated that, depending on the outcome of its discussions with Staff, it may make an appropriate filing.⁸

7. On August 28, 2025, Public Service filed a Joint Notice of Clarification and Withdrawal of Opposition Regarding the Motion to Extend (“Notice of Clarification”) with Staff explaining that Public Service and Staff have resolved the issues Staff raised in its Response, and that based on three clarifications, Staff withdraws its opposition to the Motion to Extend.⁹

8. Also on August 28, 2025, the Associations filed a Response to the Notice of Clarification (“Associations’ Response”). In the Associations’ Response, the Associations argue that the clarifications in Public Service’s Notice of Clarification result in a material change to the original Motion to Extend.¹⁰ Specifically, the Associations argue that the clarifications will result in “the market disruption the extension was supposed to forestall.”¹¹ The Associations request an opportunity to respond to the Notice of Clarification.¹²

9. On August 29, 2025, CEO also filed a Response to the Joint Notice of Clarification. In its Response to the Joint Notice of Clarification, CEO largely restates arguments in the Associations’ Response and states that the proposed changes are substantive.¹³

10. The ALJ agrees that the Joint Notice of Clarification makes substantive changes to the Motion to Extend. As such, the ALJ construes Public Service’s Joint Notice of Clarification as

⁷ Notice at pp. 1-2.

⁸ *Id.* at p. 2.

⁹ Joint Notice of Clarification at p. 2.

¹⁰ Associations’ Response to Joint Notice of Clarification at p. 2.

¹¹ *Id.*

¹² *Id.*

¹³ See CEO Response to Joint Notice of Clarification at pp. 1-3.

amending the Motion to Extend. Consequently, all parties will be given an opportunity to file a response to the Motion to Extend, as amended through the Notice of Clarification. The ALJ also finds good cause exists to shorten the response time to the Motion to Extend (as amended) given that the amendments are limited to three clarifications to the original motion. The response time will be shortened, as set forth below.

II. ORDER

A. It Is Ordered That:

1. Public Service Company of Colorado's ("Public Service") Joint Notice of Clarification and Withdrawal of Opposition Regarding the Motion to Extend ("Joint Notice of Clarification") filed August 28, 2025 is construed to amend its Motion to Extend 2022-25 Renewable Energy Plan ("Motion to Extend"), filed May 12, 2025. The Motion to Extend was filed as part of Public Service's Verified Omnibus Motion to Extend 2022-25 RE Plan, Motion for Issuance of Waivers and Variances Necessary to Implement its 2026-2027 Renewable Energy Compliance Plan, and Motion for Extraordinary Protection (collectively, "Omnibus Motion").

2. Responses to the Motion to Extend, as amended by the Joint Notice of Clarification, are due on or by 5:00 p.m. on **September 9, 2025**. Responses are limited to responding to the clarifications in the Joint Notice of Clarification. To be clear, the parties are not permitted to also respond to other issues in the Omnibus Motion unrelated to the clarifications in the Joint Notice of Clarification. Replies will not be allowed.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director