

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0364E

IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC, DOING BUSINESS AS BLACK HILLS ENERGY, FOR AN ORDER APPROVING EXPENSES RECOVERED THROUGH THE ENERGY COST ADJUSTMENT AND PURCHASED CAPACITY COST ADJUSTMENT IN 2024.

**INTERIM DECISION SCHEDULING HEARING,
ESTABLISHING PROCEDURAL SCHEDULE, AND
EXTENDING DEADLINE FOR FINAL DECISION**

Issued Date: November 18, 2025

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision acknowledges Public Utilities Commission (“Commission”) Trial Staff (“Staff”) as an intervening party; waives the remaining response time to Black Hills Colorado Electric, LLC’s (“Black Hills”) Unopposed Motion to Approve Consensus Procedural Schedule filed November 7, 2025 (“Motion” or “Motion to Approve Schedule”); partially grants the Motion; schedules a fully remote evidentiary hearing for February 10, 2026; establishes a procedural schedule and procedures to accommodate that hearing; and extends the deadline for a final decision to issue.

B. Procedural History¹

2. On September 2, 2025, Black Hills filed the above-captioned Application with exhibits.

¹ Only the procedural history necessary to understand this Decision is included.

3. On September 3, 2025, the Commission provided public Notice of the Application and established a 30-day intervention deadline for everyone except Staff, who was given an additional seven days to intervene.²

4. Also on September 3, 2025, the Office of the Utility Consumer Advocate (“UCA”) filed nondisclosure agreements.

5. On October 9, 2025, Staff filed a “Notice of Intervention as of Right . . . Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing” (“Staff’s Intervention”).

6. During its weekly meeting held on October 22, 2025, the Commission referred this matter by minute entry to an administrative law judge (“ALJ”) for disposition.

7. On November 3, 2025, Black Hills filed Direct Testimony in support of the Application.

8. The undersigned ALJ was subsequently assigned to this Proceeding. The ALJ informally directed Black Hills to confer with all those who filed an intervention on a procedural schedule and file a proposed consensus procedural schedule by November 10, 2025.

9. On November 7, 2025, Black Hills filed the Motion to Approve Schedule.

10. To date, the UCA has not filed an intervention.

II. DISCUSSION AND FINDINGS

A. Interventions

11. Per Rule 1401(e), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission’s Rules of Practice and Procedure, Staff may intervene of right in any Commission

² Notice of Application Filed on September 3, 2025 (“Notice”).

proceeding. Since Staff may intervene of right in any Commission proceeding, and its Intervention is timely, Staff is acknowledged as a party to this Proceeding.³

12. As noted, although the UCA filed nondisclosures agreements, it made no filing seeking to intervene in this matter. As such, UCA is not a party to this Proceeding.

B. Procedural Schedule

13. The Motion to Approve Schedule states that Staff supports the Motion, rendering it unopposed.⁴ Because the Motion is unopposed, the ALJ finds good cause to waive the response time to it and does so.⁵

14. The Motion proposes the following procedural schedule:

Event	Date or Deadline
Answer Testimony	December 4, 2025
Rebuttal & Cross-Answer Testimony	January 7, 2026
Corrected Testimonial Exhibits	January 13, 2026
Pre-Hearing Motions	January 16, 2026
Responses to Prehearing Motions	January 21, 2026
Settlement Agreement	January 21, 2026
Settlement Testimony	January 28, 2026
Non-Testimonial Exhibits	February 3, 2026
Joint Witness Examination Matrix	February 3, 2026
Hearing	February 10, 2026
Statements of Position	March 3, 2026 ⁶

15. The Motion states that the parties agree that the Commission's Rules governing discovery will apply in this Proceeding.⁷

³ See Rule 1401(e), 4 CCR 723-1.

⁴ Motion to Approve Schedule at 1.

⁵ *Id.* See Rule 1400(b), 4 CCR 723-1.

⁶ Motion to Approve Schedule at 2.

⁷ *Id.* at 1.

16. The ALJ finds that the Motion's proposed schedule is reasonable and appropriate, except that there is no need to establish a deadline for cross-answer testimony since there is only one Intervener in this Proceeding. For the reasons discussed, the ALJ partially grants the Motion to Approve Schedule, except that the ALJ does not establish a deadline for cross-answer testimony. In addition, the ALJ will also include a deadline for the parties to file exhibit and witness lists.

17. Attachment A hereto includes important technical information and requirements to facilitate accommodating remote hearing participation. Anyone wishing to observe but not participate in the hearing is encouraged to do so via the Commission's live hearing webcast, rather than joining the hearing via Zoom. This will help minimize background noise and avoid issues that may arise should the ALJ need to hold confidential or highly confidential hearing sessions.

18. Attachment B includes information and requirements to facilitate electronic evidentiary presentations at the hearing. Many requirements in Attachment B are critical to ensuring a smooth evidentiary presentation by directing the parties on how they must format, mark, and file their exhibits. **Attachment B has been modified as compared to past proceedings to clarify numerous requirements that parties in other proceedings failed to comply with or struggled to understand. As such, parties must carefully review Attachment B to ensure their compliance.**⁸

19. As noted in Attachment B, Black Hills must ensure that the Direct Testimony it filed on November 3, 2025 complies with Attachment B's requirements; if it does not, Black Hills must follow the direction in Attachment B to refile its Direct Testimony.⁹

⁸ Any party who is uncertain as to whether they have correctly followed the required procedures may contact Casey Federico at casey.federico@state.co.us, Stephanie Kunkel at stephanie.kunkel@state.co.us or April Crain at april.crain@state.co.us to confirm that they have correctly followed the procedural requirements.

⁹ See Attachment B at ¶ 4.

20. To minimize the potential that the hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the parties' counsel by email before the hearing, and the parties will be prohibited from distributing that information to anyone not participating in the hearing.¹⁰ Counsel and the parties are responsible for ensuring that their witnesses receive the Zoom information needed to join the hearing.

21. *The parties are on notice* that consistent with Commission practice, friendly cross-examination will not be permitted during the evidentiary hearing.

C. Deadline for Final Commission Decision

22. Given the approved procedural schedule and the nature of the issues involved in this Proceeding, the ALJ finds that additional time is necessary for a final Commission decision to issue. As such, the ALJ extends the statutory deadline for a final Commission decision to issue by 130 days, as permitted by § 40-6-109.5(1), C.R.S. The Commission did not deem the Application complete as contemplated by § 40-6-109.5, C.R.S. As such, the Application was automatically deemed complete on October 18, 2025, per Rule 1303(c)(IV), 4 CCR 723-1.¹¹ For the reasons and authorities discussed and given that the Application was deemed complete on October 18, 2025, the deadline for a final Commission decision is extended to June 25, 2026.

¹⁰ Approximately one week before the hearing, counsel will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this proceeding. Counsel must ensure that the Commission has their most current email address.

¹¹ This date is determined by adding fifteen days to the expiration of the notice period in the Notice, per Rule 1303(c)(IV), 4 CCR 723-1. Because the Notice was issued on September 3, 2025 and expired 30 days later, on October 3, 2025, the Application was automatically deemed complete fifteen later, on October 18, 2025. *See* Notice at 1-2; Rule 1303(c)(IV), 4 CCR 723-1.

III. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, Public Utilities Commission Trial Staff (“Staff”) is acknowledged as an intervening party in this Proceeding. As discussed, the Office of the Utility Consumer Advocate is not a party. As a result, Black Hills Colorado Electric, LLC (“Black Hills”) and Staff are the only parties to this Proceeding.

2. The remaining response time to Black Hills’ Unopposed Motion to Approve Consensus Procedural Schedule filed November 7, 2025 (“Motion”) is waived and the Motion is partially granted, consistent with the above discussion.

3. The deadline for a final Commission decision to issue in this Proceeding is extended by 130 days to June 25, 2026, per § 40-6-109.5(1), C.R.S. and Rule 1303(c)(IV), of the Commission’s Rules of Practice and Procedure 4 *Code of Colorado Regulations* 723-1.

4. A fully remote evidentiary hearing on the above-captioned Application is scheduled as follows:

DATE: February 10, 2026
TIME: 9:00 a.m.
PLACE: By videoconference using Zoom.

5. The parties are responsible for sharing the link, meeting ID code, and passcode with witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing.

6. All parties must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision as if fully set forth herein.

7. Non-participants in the evidentiary hearing may observe the hearing live through the Commission's webcast for the Hearing Room assigned for the hearing, which may be accessed at this link: <https://puc.colorado.gov/webcasts>.

8. **Answer Testimony Deadline.** Staff's answer testimony must be filed and served by December 4, 2025.

9. **Rebuttal Testimony Deadline.** Black Hills' rebuttal testimony must be filed and served by January 7, 2026.

10. **Corrections, Modifications, and Amendments to Testimonial Exhibits.** Except for Settlement Testimony, the parties must file and serve any corrected, modified, or amended testimonial exhibits and attachments thereto (*i.e.*, corrections to answer and rebuttal testimony and attachments thereto) by January 13, 2026. The parties are **again** reminded that such filings **must comply** with the specific requirements in Attachment B relating to corrected, modified, or amended testimonial exhibits and attachments. The parties may make corrections to testimonial exhibits and attachments thereto without filing a motion seeking leave to do so. Corrections include minor changes, such as fixing typographical or formatting errors. Corrections do not include material or substantive changes. Material or substantive changes to a testimonial hearing exhibit or attachment thereto amount to amending or modifying such documents. Any party wishing to amend or modify a testimonial exhibit or attachment thereto must file a motion establishing good cause; such a motion must be filed as soon as the party becomes aware of the need to amend or modify the filing. The parties must confer with each other prior to filing such a motion. Unreasonable delay in filing such a motion is grounds to deny the motion.

11. **Deadlines for Prehearing Motions and Responses Thereto.** The parties must file and serve prehearing motions by January 16, 2026. Responses to prehearing motions must be filed by January 21, 2026.

12. **Deadline for Stipulations and Settlement Agreements.** The parties must file and serve any stipulations and settlement agreements by January 21, 2026.

13. **Deadline for Settlement Testimony.** The parties must file and serve settlement testimony by January 28, 2026.

14. **Deadline for Non-Testimonial Hearing Exhibits.** By February 3, 2026, the parties must file and serve any non-testimonial hearing exhibits that they plan to offer into evidence (*i.e.*, exhibits not already filed per other deadlines). The parties are not required to pre-file and serve hearing exhibits which may be used solely for impeachment, to refresh recollection, or for rebuttal. *The parties are on notice* that if they do not prefile an exhibit for any of these reasons, they must establish at hearing that the exhibit is being used for impeachment or to refresh recollection consistent with the requirements of Rules 612 and 613 of the Colorado Rules of Evidence, or for rebuttal. Any party may use any other party's hearing exhibits during the hearing and should not file them separately.

15. **Deadline for Hearing Exhibit and Witness Lists.** By February 3, 2026, the parties must file and serve complete exhibit and witness lists. Witness lists must include a brief description of the witnesses' anticipated testimony and the witnesses' contact information. Exhibit lists must identify the hearing exhibit and attachment number, the full title of each hearing exhibit and attachment thereto and include a brief description of each hearing exhibit and attachment thereto that the party intends to offer into evidence during the evidentiary hearing. Describing an exhibit

or attachment solely by identifying the exhibit or attachment number **does not meet** this requirement.

16. **Deadline for Joint Witness Examination Matrix.** By February 3, 2026, the parties must file a joint witness examination matrix listing all the witnesses the parties anticipate will testify at the hearing and the anticipated amount of time each party will use to examine the witnesses at hearing. To the extent practicable, the witnesses should be listed in the order in which they will be called. The parties also must assume that the Administrative Law Judge will use some time to examine witnesses.

17. **Deadline for Statements of Position.** By March 3, 2026, the parties must file and serve Statements of Position.

18. **Hearing Exhibit Number Block Assignments.** To efficiently organize exhibits that will be presented during the evidentiary hearing, all parties must use a unified numbering system for all hearing exhibits, consistent with the directions in Attachment B, using hearing exhibits within their assigned exhibit number blocks. Black Hills is assigned hearing exhibit numbers 100-199 and Staff is assigned hearing exhibit numbers 200-299. Any party requiring more exhibit numbers than assigned may use the same numerical sequence of exhibit numbers assigned to them, but in the 1000 range (*i.e.*, Black Hills will use hearing exhibit numbers 1100-1199 and Staff will use hearing exhibit numbers 1200-1299). Hearing Exhibit 300 is reserved for the hyperlinked spreadsheet that will be used during the hearing to present evidence.

19. **Obligation to Review Hearing Spreadsheet.** The parties must review the hyperlinked spreadsheet distributed to them prior to the hearing that will be used during the hearing

to present exhibits and confirm that it includes all the exhibits that they intend to offer into evidence during the hearing.

20. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director