

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0249E

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING ELECTRIC UTILITIES TO IMPLEMENT THE PROVISIONS OF SB21-072 REGARDING TRANSMISSION UTILITY PARTICIPATION IN ORGANIZED WHOLESALE MARKETS, 4 CODE OF COLORADO REGULATIONS 723-3.

**INTERIM DECISION OF HEARING COMMISSIONER
ERIC BLANK
SCHEDULING CONTINUED HEARING**

Mailed Date: July 26, 2023

I. STATEMENT

A. Background

1. On June 28, 2022, by Decision No. C22-0386, the Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Electric Utilities (Electric Rules) contained in 4 *Code of Colorado Regulations* 723-3 to implement sections of Senate Bill (SB) 21-072 and to set forth provisions otherwise governing participation in a regional wholesale market. The NOPR further designated Chairman Eric Blank as the Hearing Commissioner pursuant to § 40-6-101(2)(a), C.R.S.

2. A public comment hearing was held on the proposed rules set forth in the NOPR on October 11, 2022. At the hearing's close, the Hearing Commissioner stated that he would provide an opportunity for additional comments and potentially schedule additional hearings. A continued public comment hearing was held on April 4, 2023, at which the Hearing

Commissioner stated that the hearing was continued to a future date to be scheduled through a separate decision.

3. As explained in Decision No. R23-0189-I scheduling the April 4, 2023 hearing, there remains a considerable gap in the approaches suggested by various stakeholders. On January 12, 2023, a group of participants in this rulemaking (Joint Commenters)¹ filed a proposed “Process Framework” to guide specific rule proposals. In a response filed January 31, 2023, the three Transmission Utilities state that the Joint Commenter’s proposal is lengthy and unduly burdensome, and they continue to argue that the proposed rules included with the NOPR require substantial revisions to efficiently achieve the objectives of Senate Bill 21-072. The Transmission Utilities request that a reasonable timeline for responses be established if the Commission decides to consider the Process Framework.

B. Continued Hearing

4. A continued public comment hearing shall be held at 9:00 a.m. on September 12, 2023. In an effort to explore and better understand the gap between the two groups of stakeholders, the Hearing Commissioner intends to include two panel presentations, each to last approximately 20-30 minutes. The first panel would include the three transmission utilities who may discuss their preferred approach to the rules at issue in this Proceeding. The other panel would include a subset of the supporters of the Proposed Framework who may summarize their proposed approach to the rules. The Hearing Commissioner expects that the remainder of the hearing will entail further discussion based on the panel presentations.

¹ The Joint Commenters include Advanced Energy United, Clean Energy Buyers Association, Climax Molybdenum Company, Colorado Energy Consumers, Colorado Energy Office, Colorado Solar and Storage Association, Interwest Energy Alliance, the Colorado Office of the Utility Consumer Advocate, Signal Tech Coalition, Solar Energy Industries Association, The Sustainable FERC Project, Western Grid Group, and Western Resource Advocates.

Rulemaking participants will have an opportunity to file additional written comments following the September 12, 2023 hearing, including redline rule changes.

II. ORDER

A. It Is Ordered That:

1. A continued public comment hearing in this matter shall be held as follows:

DATE September 12, 2023

TIME: 9:00 a.m., continuing until concluded, but no later than noon.

PLACE: By video conference using Zoom at a link in the calendar of events on the Commission's website, available at:

<https://puc.colorado.gov/puccalendar>.

2. This Decision is effective upon its Mailed Date.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERICK BLANK

Hearing Commissioner

ATTEST: A TRUE COPY

Rebecca E. White,
Director