

Decision No. C23-0077-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23V-0050E

IN THE MATTER OF THE PETITION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR APPROVAL OF A PARTIAL VARIANCE FROM COMMISSION RULE 3605(A)(II) TO EXTEND THE FILING DATE OF ITS NEXT ELECTRIC RESOURCE PLAN UNTIL ON OR BEFORE DECEMBER 1, 2023, REQUEST FOR WAIVER OF THE NOTICE AND INTERVENTION PERIOD, AND REQUEST FOR AN EXPEDITED DECISION.

**INTERIM COMMISSION DECISION ESTABLISHING
SHORTENED NOTICE AND INTERVENTION PERIOD**

Mailed Date: February 2, 2023

Adopted Date: February 1, 2023

I. BY THE COMMISSION

A. Statement

1. This Decision establishes a shortened notice and intervention period for the petition, filed by Tri-State Generation and Transmission Association (Tri-State) on January 27, 2023, for a partial variance to extend the filing date for its next Electric Resource Plan (ERP) under Rule 3605(a)(II), a waiver of the notice and intervention period, and for an expedited decision.

2. Requests for intervention, including a notice of intervention by right of Staff of the Colorado Public Utilities Commission (Staff), shall be filed no later than **February 9, 2023**.

B. Discussion

3. Pursuant to Rule 3605(a)(II), Tri-State is required to file its next ERP on or before June 1, 2023. Tri-State requests a partial variance that would extend the filing deadline by six months, in order to file that ERP on or before December 1, 2023. The variance would terminate upon the filing of the next ERP

4. Tri-State states that its 2020 ERP remains ongoing at the time of this filing in Proceeding No. 20A-0528E. Its ERP Implementation Report is due to be filed on or before February 13, 2023, with a Commission decision anticipated on or before May 15, 2023, under Rule 3605(h)(II)(A). Accordingly, the 2020 ERP would not conclude until approximately two weeks before the currently required filing date of June 1, 2023. While stating that it has conducted significant preparations for its next ERP, such as initiating an Effective Load Carrying Capacity Study, Tri-State explains that the extension of time will allow it to incorporate the results of the current Phase II process into its resource planning and to conduct appropriate stakeholder outreach on its next Phase I filing. It further explains that modeling and testimony preparation for the next ERP are material efforts which will require substantial time and labor to complete.

5. With respect to conferral, Tri-State represents that it conferred with all parties to Proceeding No. 20A-0528E and that no parties oppose its request for relief. According to Tri-State, its request is supported by: Big Horn Rural Electric Company, Carbon Power & Light, Inc., Highline Electric Association, High West Energy, Inc., Wheatland Rural Electric Association, Wyrulec Company, Inc., Niobrara Electric Association, High Plains Power, Inc., Garland Light & Power Co., Staff, the Colorado Solar and Storage Association, the Colorado Energy Office, the Conservation Coalition (comprised of Natural Resource Defense Council, Sierra Club, and Western Colorado Alliance), Southwest Energy Efficiency Project, and Western Resource

Advocates. K. C. Electric Association, Morgan County Rural Electric Association, Mountain View Electric Association, Inc., Poudre Valley Rural Electric Association, Southeast Colorado Power Association, the Colorado Independent Energy Association, and the Office of the Utility Consumer Advocate, do not oppose the requested relief. Interwest Energy Alliance, Vote Solar, and Delta-Montrose Electric Association take no position.

6. Tri-State also requests that the Commission waive the notice and intervention period set forth in Rule 1206 for the petition, given it has already conferred with parties to Proceeding No. 20A-0528E. Additionally, given the timelines necessary to prepare the next ERP filing, Tri-State requests the Commission issue a decision on this petition as soon as possible, ideally on or before March 1, 2023.

C. Findings and Conclusions

7. Paragraph (d) of Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1206 of the Commission's Rules of Practice and Procedure, states that unless shortened by Commission decision or rule, the intervention period for notice mailed by the Commission shall expire 30 days after the mailing date. Paragraph (3) of 4 CCR 723-1-1206 requires the Commission's notice to state the date by which any objection, notice of intervention of right, or motion to permissively intervene must be filed.

8. As we continue to implement new rules regarding the ERP process for Tri-State, we conclude that it is reasonable to establish a shortened notice and intervention period of seven days before rendering a decision on the merits of Tri-State's petition. We therefore reject Tri-State's request to waive the notice and intervention period.

9. Requests for intervention, including a notice of intervention by right of Staff, shall be filed no later than **February 9, 2023**.

10. **This Decision is the Commission’s notice that Tri-State’s petition has been filed.** Tri-State’s petition for a partial variance from Rule 3605(a)(II) to extend the filing date of its next ERP is available for public inspection by accessing the Commission’s E-Filings System at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=23V-0050E

II. ORDER

A. It Is Ordered That:

1. The request of Tri-State Generation and Transmission Association, Inc. (Tri-State) to the Commission to waive the notice and intervention period for its petition, filed on January 27, 2023, for a partial variance from Rule 3605(a) of the Commission’s Rules Regulating Electric Utilities (Electric Rules), 4 Code of Colorado Regulations (CCR) 723-3, to extend the date for the filing of its next Electric Resource Plan to on or before December 1, 2023, is denied.

2. Service of this Decision will provide notice of Tri-State’s petition to all interested persons, firms, and corporations.

3. The notice and intervention period shall expire at **5:00 p.m. on February 9, 2023**.

4. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Colorado Public Utilities Commission, shall file a petition for leave to intervene, or under the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado*

Regulations 723-1, file other appropriate pleadings to become a party, no later than **February 9, 2023.**

5. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission’s Rules of Practice and Procedure and this Decision.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
February 1, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners