

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

PROCEEDING NO. 23A-0046E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF A SHORT-TERM POWER PURCHASE AGREEMENT, AND AMENDMENTS TO OTHER SUCH AGREEMENTS, EXTENDING EXISTING GENERATION RESOURCES INCLUDING RIDGE CREST WIND, ARAPAHOE, BRUSH 2, AND BRUSH 4.

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**INTERIM COMMISSION DECISION: (1) ESTABLISHING PROCEDURAL SCHEDULE; (2) EXTENDING DEADLINE FOR FINAL DECISION; (3) ADOPTING DISCOVERY PROCEDURES; (4) SCHEDULING HEARING; (5) ESTABLISHING PROCEDURES FOR EVIDENTIARY HEARING; AND (6) GRANTING MOTION FOR EXTRAORDINARY PROTECTION**

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Mailed Date: March 24, 2023  
Adopted Date: March 22, 2023

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**I. BY THE COMMISSION****A. Statement**

1. Through this Decision, we adopt the parties' proposed procedural schedule and discovery procedures for this Proceeding. We schedule a remote evidentiary hearing in this matter for August 3–4, 2023. We establish the procedures for conducting the remote evidentiary hearing in this matter. We also grant the Motion for Extraordinary Protection of Highly Confidential Information (Protection Motion), filed by Public Service Company of Colorado (Public Service or the Company) on January 26, 2023.

**B. Background**

2. On January 26, 2023, Public Service filed an application for approval of a short-term power purchase agreement (PPA) and for approval of amendments to three other PPAs (Application).

3. By Decision No. C23-0174-I, issued March 10, 2023, the Commission set the Application for hearing and established the following parties: the Company; Staff of the Colorado Public Utilities Commission (Trial Staff); the Colorado Office of the Utility Consumer Advocate (UCA); the Colorado Energy Office; Sierra Club; Onward Energy Management LLC (Onward Energy); and the Colorado Independent Energy Association. The Commission further directed Public Service to confer with the other parties in this Proceeding to develop and file a proposed procedural schedule.

4. Also, by Decision No. C23-0174-I, the Commission set an extended five-day deadline for the established parties to file any response to the Protection Motion.

**C. Proposed Schedule and Discovery Procedures**

5. On March 15, 2023, Public Service filed an Unopposed Motion to Approve Procedural Schedule and Associated Procedural Requests and requested the Commission waive response time to this unopposed motion.

6. Public Service provided the following consensus proposed schedule:

Event	Date
Supplemental Direct Testimony	April 14, 2023
Answer Testimony	June 2, 2023
Rebuttal and Cross-Answer Testimony	June 30, 2023
Stipulations and Settlement Agreements	July 21, 2023
Cross-Examination Matrix, Corrections to Pre-filed Testimony, and Exhibits	July 21, 2023
Evidentiary Hearing	August 3–4, 2023
Statements of Position	August 18, 2023

7. Public Service states the parties agree that the discovery rules and procedures contained in Rule 1405 of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, will govern discovery in this Proceeding, with the modification that discovery response times for all parties will be measured in “calendar” days when Commission rules reference “business” days.

**D. Requested Protection Motion**

8. Through the Protection Motion, Public Service requests extraordinary protection for certain competitively sensitive and highly confidential information associated with the Application. Specifically, Public Service requests restricted access to three categories of information: (1) four short-term PPA contracts that are commercially sensitive to Public Service

and the PPA counterparties; (2) affidavits of authorized representatives for three PPA counterparties of thermal resources containing commercially sensitive information, *i.e.*, commercial terms and/or commercial trade secret evaluations of the counterparties; and (3) any information protected by a confidentiality clause of an existing PPA where Public Service has contractually committed to keep certain terms and conditions confidential. Public Service states its request for this third category is substantively similar to what the Commission ordered in prior proceedings. Public Service also requests highly confidential treatment for any future testimony, other documents, or discovery responses containing any of this highly confidential information.

9. Public Service requests access be limited as follows:

- a) the Commissioners, any assigned administrative law judge, the Commission's advisory staff and advisory attorneys, Trial Staff and attorneys for Trial Staff, and employees of UCA assigned to this Proceeding and attorneys for UCA may access the highly confidential information;
- b) intervenors that do not fall into category (c) below may access the highly confidential information, restricted, however, to counsel and subject matter experts for such intervenors who provide executed highly confidential non-disclosure agreements; and
- c) intervenors that are developers or owners of energy resources, competitive power producers, existing or potential wholesale customers of developers or owners of energy resources, or entities that might otherwise bid into a current<sup>1</sup> or future Public Service resource solicitation may not access to the highly confidential information.

10. Public Service urges that its proposed approach will strike an appropriate balance between the need for disclosure, and the need to protect the highly confidential information.

11. Public Service states the PPAs are each a product of negotiation and are deemed commercially sensitive by the executing parties. Public Service states the PPA affidavits contain

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<sup>1</sup> Public Service issued its 2022 All-Source Request for Proposals (RFP) on December 1, 2022, initiating the Phase II competitive solicitation process as part of its current, ongoing 2021 Electric Resource Plan & Clean Energy Plan in Proceeding No. 21A-0141E.

commercially sensitive details regarding the negotiation of terms and conditions. Public Service maintains it would result in competitive harm if the terms and conditions of these agreements and the information in the affidavits became known to intervenors that are competitors, potential counterparties, and/or potential bidders in Phase II of the Company's 2021 Electric Resource Plan & Clean Energy Plan, docketed as Proceeding No. 21A-0141E. Public Service cautions, if certain intervenors had access to the pricing information and terms in the PPAs, or the details in the affidavits, it could disadvantage the Company's negotiating position for future deals and it would jeopardize the Company's relationship with counterparties, and therefore its ability to obtain favorable PPA terms and conditions for its customers. Public Service states that disclosure would also negatively impact the PPA counterparties by revealing the terms and conditions of contracts deemed confidential and proprietary.

12. Public Service prepared non-disclosure agreements for attorneys and subject matter experts, as required by Rule 1101(b) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1. Public Service also provided the affidavit of John L. Bornhofen, identifying the employees in groups with access to the highly confidential information. The affidavit requests the extraordinary protection remain in place indefinitely.

13. On March 15, 2023, Onward Energy filed a timely response supporting the Protection Motion. In its response, Onward Energy affirms that the three categories of information Public Service seeks to protect are extraordinarily sensitive and warrant extraordinary protection. Onward Energy states that energy markets are highly competitive and growing more so, due to a surging demand for electricity and capacity and a proliferation of new energy projects. Onward Energy explains, as an independent power producer, it needs maximum flexibility during solicitations and bilateral negotiations to secure future opportunities and meet its customers' needs,

which will in turn ensure that its customer's ratepayers are receiving the greatest benefit. It also explains, like Public Service, it would be seriously harmed if the terms of its power purchase agreement or the related affidavit became known to competitors, potential counterparties, and/or other bidders in competitive solicitations.

## **E. Findings and Conclusions**

### **1. Procedural Schedule**

14. The proposed briefing schedule is adopted, and a remote evidentiary hearing is scheduled for August 3–4, 2023.

15. We agree the proposed schedule provided by Public Service in its March 15, 2023, motion is reasonable for purposes of this Proceeding. We grant the motion, waive response time, and will adopt the proposed schedule to establish the briefing schedule, settlement deadline, and set a remote *en banc* hearing for August 3–4, 2023.

16. As agreed by the parties, a remote evidentiary hearing will be scheduled for August 3–4, 2023, using the Zoom platform. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic evidence presentation at the hearing. It is important that the parties review and follow all requirements in this Decision and Attachments A and B.

17. Commission staff will provide the parties with a Zoom link closer to the start of the hearing.

## 2. Deadline for Final Commission Decision

18. In order to accommodate the proposed procedural schedule, the Commission finds that additional time is necessary to issue a final decision in this Proceeding, and therefore extends the deadline by an additional 130 days as permitted by § 40-6-109.5(1), C.R.S., to November 15, 2023. The Commission acknowledges the parties' request for a decision by September 15, 2023.

## 3. Discovery Procedures

19. We accept the discovery procedures and modification to discovery response time agreed to by the parties. The discovery rules and procedures contained in Rule 1405 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, govern discovery in this Proceeding, with the modification that discovery response times for all parties will be measured in "calendar" days when Commission rules reference "business" days.

## 4. Procedures for Conducting Evidentiary Hearing

### a. Presentation of Exhibits During Evidentiary Hearing

20. All evidence presented during the evidentiary hearing must be presented electronically. To facilitate the presentation and admission of electronic exhibits during the evidentiary hearing, the Commission will provide a spreadsheet identifying each hearing exhibit as it exists in the administrative record. The spreadsheet will include hyperlinks to the filings in the administrative record. The spreadsheet will be made available to the parties prior to the hearing and marked as a hearing exhibit. Commission staff will display pre-filed electronic filings during the hearing.<sup>2</sup>

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<sup>2</sup> Exhibits will be displayed electronically during the hearing. Should the parties have technical questions relating to the electronic presentation of exhibits, they may contact [Casey.Federico@state.co.us](mailto:Casey.Federico@state.co.us) or [Stephanie.Kunkel@state.co.us](mailto:Stephanie.Kunkel@state.co.us).

21. Any document previously filed by a party that will be offered into evidence, but has not been identified in compliance with this Decision, must be revised and re-filed in accordance with this Decision. Any such filings shall be: (a) made within 14 days of the mailed date of this Decision; and (b) treated as the original filing of hearing exhibits.<sup>3</sup>

22. Any stipulations or settlement agreements, along with any associated testimony or exhibits, shall also be filed electronically in accordance with the procedures set forth below.

23. Final versions of all previously filed hearing exhibits must be filed on or before the fourth business day prior to the hearing,<sup>4</sup> unless otherwise ordered, so that the spreadsheet may be timely prepared and distributed during the three business days prior to the hearing. Hyperlinks will not be included for confidential or highly confidential information. If a party files any exhibits after this deadline, such late exhibits will not be included in the spreadsheet of hyperlinked electronic exhibits, and the party will need to separately move for the admission of the late exhibits during the hearing.

24. After the deadline for final versions, a party intending to present a document during the hearing must: (a) pre-mark such document with a hearing exhibit number within the party's assigned exhibit number block; and (b) upload such document into the party's designated box.com

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<sup>3</sup> Compliance with this Decision may result in a change to pagination of prior versions of hearing exhibits. References in discovery requests and responses to prior versions of hearing exhibits will be construed to be amended to refer to the latest filed version of such testimony, unless otherwise specified. Although corresponding page and line references might be affected by such construction, corrected references will not be necessary so long as the original reference remains reasonably close to the new location of the referenced material.

<sup>4</sup> A calculation of the fourth business day prior to hearing shall exclude the first day of the hearing and include each of the four business days preceding the hearing. For example, if the first day of the hearing falls on a Monday, then the fourth business day prior to hearing is Tuesday of the preceding week.

folder before presenting them during the hearing.<sup>5</sup> This includes documents not required to be pre-filed (*e.g.*, for impeachment, to refresh recollection, or for rebuttal).

25. The parties are responsible for ensuring they and their witnesses have access to all pre-marked exhibits and are able to download and view documents from box.com during the hearing.

**b. Assignment of Hearing Exhibit Number Blocks**

26. Hearing exhibits shall be marked numerically and sequentially for identification by the filing parties within their respective blocks of numbers. In order to efficiently organize the numbering and preparation of exhibits for the hearing, all parties shall use a unified numbering system for all hearing exhibits. Parties should not duplicate hearing exhibits or attachments previously filed by another party.

27. The party initiating the proceeding is assigned hearing exhibit numbers 100 to 299.

28. Each intervening person or entity is assigned a block of 100 hearing exhibit numbers (*e.g.*, 300-399, 400-499, etc.) in the chronological order that notices of intervention by right and petitions for permissive intervention are filed, as reflected in the Commission's E-Filings System. As a result, the first person or entity noticing an intervention by right or requesting permissive intervention is assigned hearing exhibit numbers from 300 to 399, the second person or entity is assigned hearing exhibit numbers from 400 to 499, etc. Parties shall rely upon the Commission's E-Filings System to determine sequencing of requests for intervention

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<sup>5</sup> The Public Utilities Commission Administrative Hearings Section uses a web-based document sharing service, box.com. All parties must ensure they can access and use box.com. An email with more details will follow.

(*i.e.*, without regard to whether or when the interventions were granted). To determine the sequencing and avoid duplicative use of blocks, parties are encouraged to confer as needed.

**c. Identification of Filing Requirements for Hearing Exhibits**

29. In addition to other requirements of the Commission's Rules of Practice and Procedure, 4 CCR 723-1 (*e.g.*, Rule 1202 regarding pre-filed testimony), all pre-filed hearing exhibits shall be marked for identification and filed in accordance with this Decision.<sup>6</sup>

30. Parties must mark all hearing exhibits for identification in sequential order, using hearing exhibit numbers within their assigned hearing exhibit number block. Each type of a witness's testimony, including any attachments (*e.g.*, direct, answer, rebuttal, cross-answer, and supplemental), shall be marked with one hearing exhibit number.<sup>7</sup> Even if comprised of multiple electronic documents, the testimony and attachments will be one hearing exhibit.<sup>8</sup>

31. Parties should not duplicate hearing exhibits or attachments previously filed by another party. At the hearing, any party may sponsor an exhibit that was pre-filed by another party.

32. The title of all pre-filed written testimony should include the type of testimony and the name of the witness. For example, if Hearing Exhibit 100 is the direct testimony of witness John J. Doe, the following title should be used: "Hearing Exhibit 100, Direct Testimony of John J. Doe."

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<sup>6</sup> In order to minimize the size and allow electronic text searches of the PDF files, versions filed in PDF format should be generated from the native executable electronic file format when possible.

<sup>7</sup> Each type of testimony should be identified with a different hearing exhibit number. For example, John J. Doe's direct testimony may be Hearing Exhibit 100 and his rebuttal testimony may be Hearing Exhibit 105.

<sup>8</sup> While marked for identification with one hearing exhibit number, the testimony and each attachment should be filed in compliance with Rule 1202 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, which provides that the primary document and each secondary document must be separately uploaded in the Commission's E-Filings system.

33. Anything accompanying pre-filed written testimony within a hearing exhibit (*e.g.*, exhibits, appendices, attachments, or attachments to filing) shall be referred to as an “attachment” to the testimony and identified by the hearing exhibit number reference, the witness’s initials, and a number sequence. For example, if the party assigned to block 300 files answer testimony of Albert B. Cooke, which includes a table as Attachment ABC-1, then the title of the table will be “Hearing Exhibit 300, Attachment ABC-1.” The attachment should not be referred to as Exhibit ABC-1 or Appendix A.

34. When filing hearing exhibits in the Commission’s E-Filings System, parties must title the exhibits to match the title of the hearing exhibit but, the title must not be in all uppercase format. All exhibit titles entered into the E-Filing System must start with “Hearing Exhibit XXX.” Building on the above examples, John J. Doe’s Direct Testimony should be titled “Hearing Exhibit 100, Direct Testimony of John J. Doe” when filing in the Commission’s E-Filing System, and the first attachment to John J. Doe’s testimony should be titled “Hearing Exhibit 100, Attachment JJD-1” when filing.

#### **d. Formatting of Hearing Exhibits**

35. The first page of all hearing exhibits shall be page 1, with each additional page numbered in succession. For example, the cover page shall be page 1, and all following pages shall be numbered sequentially, including executive summaries, tables of contents, and lists of attachments. This will facilitate electronic navigation during the hearing.

36. There shall be only one page number shown on each page of the hearing exhibits. Page numbers should be included in the header of each page-numbered hearing exhibit. The top line of the header shall include the title of the document (*e.g.*, Hearing Exhibit 400, Answer Testimony of Albert B. Cooke or Hearing Exhibit 400, Attachment ABC-1).

37. A person may modify formatting options in revisions to filed documents in order to minimize the resulting impact to page and line references (*e.g.*, widen a paragraph margin to insert a word).

38. Titles entered into the Commission’s E-Filings System should be in title format and must not be in all capitals.

**e. Filing of Executable Attachments to Hearing Exhibits**

39. Any spreadsheet filed as, or that is the basis for, an attachment to a hearing exhibit shall be filed in both .pdf format and in the native executable electronic file format (*e.g.*, .xlsx, .ods, .gsheet).

40. The title of the executable version filed shall mirror the title identifying the pre-filed version and include the word “Executable” after the hearing exhibit number. For example: Hearing Exhibit 300, Executable Attachment ABC-1, or Hearing Exhibit 400, Executable.

41. Parties are not required to: mark native executable hearing exhibits, including executable attachments thereto, for identification, paginate such executable exhibits, or file amended, modified, or corrected executable exhibits in redline/strikeout format.

**f. Modifying, Amending, or Correcting a Previously Filed Hearing Exhibit on or Before the Deadline for Corrections**

42. Should a party need to modify, amend, or correct a previously identified hearing exhibit on or before the ordered deadline for such changes, the following procedures shall be followed.

43. If the native executable electronic file format is not a spreadsheet, a complete revision including all changes in redline/strikeout format shall be filed.<sup>9</sup> No modification, amendment, or correction shall be made to a filed hearing exhibit without indicating a new revision number, as described below. The same title shall be used for the title as the original, except that a revision number reference must be added to give notice of the change.

44. For example, if Hearing Exhibit 100, Direct Testimony of John J. Doe changed, it would be filed as Hearing Exhibit 100, Direct Testimony of John J. Doe, Rev. 1 containing redlined modifications to the original version.<sup>10</sup> If an additional revision is later filed, it would be filed as Hearing Exhibit 100, Direct Testimony of John J. Doe, Rev. 2 and would contain all redlined modifications as compared to the original version (*i.e.*, not only as compared to Rev. 1). For Rev. 2 and all subsequent revisions, the filing shall also include a notice identifying changes in each revision from the most recent previous revision. Further, the title of any revision must not contain the word “corrected” even if the revision corrects the prior filing.

45. If the native executable electronic file format is a spreadsheet (*e.g.*, .xlsx, .uos, .gsheet), a complete revision including all changes shall be filed. The changes do *not* need to be in redline/strikeout format. No modification, amendment, or correction shall be made to a filed hearing exhibit without indicating a new revision number (*e.g.*, Rev. 1). The same title shall be used for the title as the original, except that a revision number reference must be added to give notice of the change. The revision pages shall also include an additional notice attachment identifying changes in each revision from the most recent previous revision. Additionally, a complete revision of the executable spreadsheet, including all changes, shall be filed.

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<sup>9</sup> Filing a “clean” version is not necessary and is discouraged.

<sup>10</sup> “Rev.” stands for revision.

46. The most recent revision of a hearing exhibit shall be the version utilized during the evidentiary hearing. References in testimony to obsolete versions of other testimonies will be construed to be amended to refer to the latest filed version of such testimony, unless otherwise specified. Although corresponding page and line references might be affected by such construction, corrected references will not be necessary so long as the original reference remains reasonably close to the new location of the referenced material.

**g. Modifying, Amending, or Correcting a Previously Filed Hearing Exhibit After the Deadline for Corrections**

47. Should a party need to modify, amend, or correct a previously identified hearing exhibit after the earlier of the ordered deadline for such changes or the fourth business day prior to the hearing, the following procedures shall be followed to upload them into the party's designated box.com folder rather than filing through the Commission's E-Filings System.

48. If the native executable electronic file format is not a spreadsheet, all changes should be reflected on replacement pages only in redline/strikeout format that will be: (a) marked for identification with a hearing exhibit number within the party's assigned exhibit number block in accordance with the procedures in this Decision; and (b) uploaded into the party's designated box.com folder prior to use of the exhibit during the hearing.<sup>11</sup> The replacement pages shall also include an additional notice attachment identifying changes in each revision from the most recent previous revision.

49. If the native executable electronic file format is a spreadsheet (*e.g.*, .xlsx, .uos, .gsheet), all changes shall be reflected on only replacement pages that will be: (a) marked for identification with a hearing exhibit number within the party's assigned exhibit number block in

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<sup>11</sup> Filing a "clean" version is not necessary and is discouraged.

accordance with the procedures in this Decision; and (b) uploaded into the party's designated box.com folder prior to use of the exhibit during the hearing. The changes do not need to be in redline/strikeout format. The revision pages shall also include an additional notice attachment identifying changes in each revision from the most recent previous revision. Additionally, a complete revision of the executable spreadsheet, including all changes, shall be filed in accordance with the discussion above.

50. If the changes are permitted, and assuming the original filing is otherwise admissible, both hearing exhibits would be admitted into evidence during the hearing with the latter replacement pages superseding and prevailing to the extent of conflict in the previous revision.

51. References to superseded portions of a hearing exhibit will be construed to be amended to refer to the replacement pages, unless otherwise specified. Although corresponding page and line references might be affected by such construction, corrected references will not be necessary so long as the original reference remains reasonably close to the new location of the referenced material. For example, a reference in answer testimony to page 10, line 5 of a witness's direct testimony need not be revised if page 10 of the direct testimony is replaced, so long as the material that was originally at page 10 and line 5 remains reasonably close.

#### **h. Procedures for Confidentiality**

52. Any pre-filed hearing exhibit (including attachments) filed in accordance with the Standards of Conduct in the Commission's Rules of Practice and Procedure containing confidential information shall be pre-marked for identification by the same hearing exhibit number as the redacted public version of the hearing exhibit but shall be designated with a "C" following the number of the hearing exhibit or attachment.

53. For example, a witness's pre-filed written testimony might be identified as Hearing Exhibit 100, Direct Testimony of John J. Doe. If portions of the testimony in Hearing Exhibit 100, Direct Testimony of John J. Doe are claimed to be confidential, the confidential version of Hearing Exhibit 100 would be filed in accordance with the Standards of Conduct and identified as Hearing Exhibit 100C, Confidential Direct Testimony of John J. Doe. In this confidential version of the hearing exhibit, only the material that is highly confidential will be redacted. In addition, Hearing Exhibit 100, Direct Testimony of John J. Doe would remain in the public record (redacted to exclude confidential and highly confidential material).

54. Further, if portions of Hearing Exhibit 100, Direct Testimony of John J. Doe, Attachment JJD-1 are claimed to be confidential, a confidential version of Hearing Exhibit 100, Attachment JJD-1 would be filed in accordance with the Standards of Conduct and identified as Hearing Exhibit 100, Confidential Attachment JJD-1C. In this confidential version of the attachment, only the material that is highly confidential will be redacted. In addition, Hearing Exhibit 100, Attachment JJD-1 would remain in the public record (redacted to exclude confidential and highly confidential material).

55. Likewise, any pre-filed hearing exhibit (including attachments) containing highly confidential information shall be pre-marked for identification by the same hearing exhibit number as the redacted public version of the hearing exhibit but shall be designated with an "HC" following the number of the hearing exhibit or attachment.

## **5. Protection Motion**

56. 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.

57. The operative language in Rule 1101(b)(IV) of the Commission's Rules of Practice and Procedure, 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 ....

58. We find the reasoning and arguments in the Protection Motion persuasive. The Protection Motion states good cause to grant the relief sought under Rule 1101, 4 CCR 723-1. 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 Protection Motion and approve the non-disclosure agreements. Access to the highly confidential information shall be limited as requested in the Protection Motion.<sup>12</sup>

59. We remind counsel and the parties that individuals permitted access to the highly confidential information may use it only for purposes of this Proceeding, consistent with the Commission's confidentiality rules. The protected highly confidential information may not be disclosed to any unauthorized persons. Further, Public Service bears responsibility to ensure that parties' access is restricted consistent with the protections ordered in this Decision and that,

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<sup>12</sup> The Commissioners, Commission advisory staff, Commission advisory counsel, administrative law judges, Trial Staff, and Trial Staff counsel sign annual non-disclosure agreements covering all confidential and highly confidential information filed with the Commission and are not required to sign separate agreements in individual cases. *See* Rule 1100(i) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

following conclusion of this Proceeding, the information is appropriately destroyed or returned to the Company.

## II. ORDER

### A. **It Is Ordered That:**

1. The Unopposed Motion to Approve Procedural Schedule and Associated Procedural Requests, filed by Public Service Company of Colorado (Public Service) on March 15, 2023, is granted. Response time to the motion is waived.

2. The consensus proposed schedule and provisions for discovery provided by Public Service are adopted. The parties shall submit all testimony and pleadings no later than the dates set forth in the adopted procedural schedule.

3. The deadline for a final Commission decision to issue in this Proceeding is extended by an additional 130 days to November 15, 2023, as permitted by § 40-6-109.5(1), C.R.S.

4. A remote evidentiary hearing in this Proceeding is scheduled as follows:

DATE: August 3–4, 2023

TIME: 9:00 a.m. to 5:00 p.m.

WEBCAST: Hearing Room A

METHOD: Join by videoconference using Zoom at the link to be provided to parties by e-mail

5. The parties are responsible for sharing the link, meeting ID code, and passcode to 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. The parties and witnesses are required to participate in the evidentiary hearing by video conference using Zoom. The parties must ensure that they and their witnesses are ready and

able to participate in the evidentiary hearing by video conference, including presenting evidence electronically during the hearing using Zoom. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

7. The Motion for Extraordinary Protection of Highly Confidential Information filed by Public Service on January 26, 2023, is granted.

8. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
March 22, 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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MEGAN M. GILMAN

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TOM PLANT

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Commissioners