

Decision No. C23-0473-I

**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  
VACATING SCHEDULED HEARING AND  
REMAINDER OF PROCEDURAL SCHEDULE**

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Mailed Date: July 21, 2023

Adopted Date: July 19, 2023

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

1. On January 26, 2023, Public Service Company of Colorado (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). Public Service represents that the PPAs are necessary to help alleviate a near-term capacity shortfall and seeks findings that the PPA execution and contract terms are prudent, reasonable and in the public interest.

2. By Decision No. C23-0174-I, issued March 10, 2023, the Commission set the Application for hearing and established the following parties: Public Service; Staff of the Colorado Public Utilities Commission (Staff); the Colorado Office of the Utility Consumer Advocate (UCA); the Colorado Energy Office (CEO); Sierra Club; the Colorado Independent Energy Association (CIEA); and Onward Energy.

3. By Decision No. C23-0201-I, issued March 24, 2023, the Commission adopted the parties' proposed procedural schedule. Among other deadlines, the procedural schedule includes a two-day evidentiary hearing on August 3 and 4, 2023.

4. On June 1, 2023, Public Service filed a Notice of Settlement in Principle, Unopposed Motion to Amend Procedural Schedule, and Request for Waiver of Response Time, notifying the Commission that all parties had agreed in principle to a comprehensive settlement and requesting the Commission modify the procedural schedule accordingly.

5. By Decision No. C23-0382-I, issued June 8, 2023, the Commission vacated several prehearing dates and established filing deadlines for the parties to file the settlement agreement and accompanying settlement testimony. The Commission noted that, after reviewing the settlement and supporting testimony, it may revisit whether to vacate one or both days of the evidentiary hearing and the deadline for statements of position.

6. On June 9, 2023, Public Service filed an Unopposed Joint Motion to Approve Unopposed Comprehensive Settlement Agreement, to Amend the Remaining Procedural Schedule, and to Vacate the Evidentiary Hearing (Unopposed Joint Motion) along with the parties' proposed Unopposed Comprehensive Settlement Agreement (Settlement Agreement). Public Service made the filing on behalf of the Settling Parties, comprising Public Service, Staff, UCA, CEO, CIEA, and Onward Energy. The filing states that, although not a signatory, intervenor Sierra Club does not oppose the Settlement Agreement.

7. On June 23, 2023, Public Service and CEO each filed testimony in support of the Commission approving the Settlement Agreement, without modification. The Settling Parties request the Commission approve the four PPAs as set forth in the Company's Direct Testimony and find the PPAs are prudent, reasonable, and in the public interest. The Settling Parties also

agree the need for the contemplated PPA extensions should not be attributed to mismanagement. Likewise, the Settling Parties agree the Commission should grant Public Service's request for limited waivers and variances from certain rules and decisions.

8. In the Unopposed Joint Motion, Public Service states the parties have no objection if, after the Commission reviews the Settlement Agreement, the Commission prefers to require written answers to questions set forth in a subsequent decision by the Commission in lieu of a hearing.

9. The Commission finds good cause to vacate the hearing in this matter. In addition, given that all parties agree that a hearing is no longer necessary, vacating the hearing will not prejudice any party. The hearing scheduled for August 3 and 4, 2023, will be vacated. In addition, the remainder of the procedural schedule established in Decision No. C23-0201-I and modified in Decision No. C23-0382-I, will be vacated.

## II. ORDER

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

1. The Unopposed Joint Motion to Approve Unopposed Comprehensive Settlement Agreement, to Amend the Remaining Procedural Schedule, and to Vacate the Evidentiary Hearing (Unopposed Joint Motion), filed on June 9, 2023, by Public Service Company of Colorado, insofar as the motion seeks an order vacating the remainder of the procedural schedule and vacating the scheduled hearing dates, is granted.

2. The remainder of the procedural schedule established in Decision No. C23-0201-I and modified in Decision No. C23-0382-I, is vacated.

3. The hearing in this matter scheduled for August 3 and 4, 2023, is vacated.

4. The Unopposed Joint Motion, insofar as that motion seeks a decision approving the Settlement Agreement, is taken under advisement, and will be addressed by subsequent order.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 19, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners