

Decision No. C23-0813-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0585E

IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR APPROVAL OF ITS 2023 ELECTRIC RESOURCE PLAN

**INTERIM COMMISSION DECISION DENYING REQUEST
FOR SHORTENED NOTICE AND INTERVENTION
PERIOD, AND ESTABLISHING INTERVENTION PERIOD
AND PROCEDURES**

Mailed Date: December 6, 2023

Adopted Date: December 6, 2023

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. This Decision establishes a modified notice and intervention period for the Application for Approval of its 2023 Electric Resource Plan (Application) filed by Tri-State Generation and Transmission Association, Inc. (Tri-State) on December 1, 2023.

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 **January 5, 2024**.

B. Discussion

3. Tri-State filed its 2023 Electric Resource Plan (ERP), including the direct testimony and attachments of eight witnesses, a Stipulation between entities that includes potential

intervenors in this Proceeding, and a Motion for Extraordinary Protection of Highly Confidential Information. In its Application, Tri-State sets forth a Phase I ERP which includes the acquisition of renewable energy, dispatchable gas generation, an earlier retirement date for Craig Unit 3 based on economic modeling, and a potential earlier retirement date for Springerville Unit 3 depending on federal funding.

4. With its Application, Tri-State also filed a Motion to Approve Procedural Schedule, Discovery Procedures, Treatment of Confidential Information, Shortened Notice Period, and Request for Expedited Treatment (Motion). Specifically, Tri-State requests the Commission shorten the notice period to ten business days, stating that this will facilitate an efficient process which will enable the Commission to issue a Phase I decision in mid-2024. Tri-State states that this request is warranted given the need to bring renewable resources online in 2026; the unique circumstances around federal funding; and its commitment to seeking near-term emissions reductions. It proposes the following procedural schedule:

Procedural Activity	Date
Answer Testimony	March 14, 2024
Rebuttal/Cross-Answer Testimony	April 15, 2024
Stipulations/Settlement Agreements	April 17, 2024
Corrections to Pre-filed testimony and Pre-hearing Motions	April 17, 2024
Witness list, Cross-Examination Estimates, Final Exhibits List	April 22, 2024
Settlement Testimony	May 1, 2024
Evidentiary Hearing	May 6-9, 2024
Statements of Position	May 22, 2024
Tri-State's Requested Commission Decision ¹	May 31, 2024 (30 days after Settlement) or June 12, 2024 (40 days after hearing)

5. It represents that it is authorized to state that the following parties who were also signatories to the Stipulation support the Motion: the Office of the Utility Consumer Advocate, Western Resource Advocates, Sierra Club, Colorado Solar and Storage Association, Otero County Electric Cooperative, Colorado Energy Office, and Mountain View Electric Association. Tri-State further represents that while Trial Staff of the Commission (Staff) does not oppose or anticipate opposing the schedule, it also reserves its right to respond to the Motion. Accordingly, Tri-State requests the Commission issue an expedited decision on the Motion by December 20, 2023.

C. Findings and Conclusions

6. This matter comes before the Commission for a determination whether to grant Tri-State's request for shortened notice and intervention period. ERPs are significant proceedings, and Tri-State's Motion is currently supported by a subset of the parties that participated in its 2020 ERP. The instant Application includes complex issues related to federal funding; modeling issues which were contested in the prior proceeding, including coal plant retirement and extreme weather sensitivities; the acquisition of dispatchable gas generation; and the use of new practices, such as a proposal for an independent evaluator.

7. We thus find good cause to deny the portion of Tri-State's Motion that seeks to establish a shortened notice and intervention period of ten business days. However, for purposes of efficiency, requests for intervention, including a notice of intervention by right of Staff, shall be filed no later than **January 5, 2024**.

8. Prospective parties are directed to confer with Tri-State on their intervention pleadings to enable them to be filed as unopposed, to the extent possible. Furthermore, we direct Tri-State to begin responding to discovery requests from Intervenors of Right and Unopposed Permissive Intervenors upon conferral.

9. Prospective parties should address responses to the remainder of the Motion with their intervention pleadings.

10. The Application is available for public inspection by accessing the Commission's E-Filings System at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>. **This Decision is the Commission's notice that Tri-State's Application for Approval of a 2023 Electric Resource Plan has been filed.**

II. ORDER

A. **It Is Ordered That:**

1. The request of Tri-State Generation and Transmission Association, Inc. (Tri-State) for a shortened notice and intervention period for its Application for Approval of its 2023 Electric Resource Plan, filed on December 1, 2023, is denied, consistent with the discussion above.

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

3. The notice and intervention period shall expire at **5:00 p.m. on January 5, 2024**.

4. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Colorado Public Utilities Commission (PUC), shall file a petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, 4 CCR 723-1, file other appropriate pleadings to become a party, no later than **January 5, 2024**.

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. Responses to the Motion to Approve Procedural Schedule, Discovery Procedures, Treatment of Confidential Information, Shortened Notice Period, and Request for Expedited Treatment shall be filed with intervention pleadings.

7. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 6, 2023.**

(SEAL)



ATTEST: A TRUE COPY

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

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners