

Decision No. C23-0848-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23V-0609E

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF A VARIANCE FROM RULE 3528 IN ORDER TO EXTEND THE DATE FOR FILING ITS 2024 DISTRIBUTION SYSTEM PLAN.

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

Mailed Date: December 20, 2023

Adopted Date: December 20, 2023

I. BY THE COMMISSION

A. Statement

1. This Decision establishes a shortened notice and intervention period for the petition, filed by Public Service Company of Colorado (Public Service or the Company) on December 15, 2023, for a variance to extend the filing date for its next Distribution System Plan (DSP) under Rule 3528, a shortened 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 **December 29, 2023**.

B. Discussion

3. Pursuant to Rule 3528, Public Service is required to file its next DSP on or before January 31, 2024. Public Service requests a variance that would extend the filing deadline by approximately 10 months, in order to file the DSP on or before November 15, 2024. Accordingly, Public Service requests the Commission grant a shortened notice and intervention period of

14 days from filing of the petition, or December 29, 2023; issue an expedited decision by January 3, 2024, in order to provide certainty regarding the January 31, 2024 current filing deadline; and grant the petition without a hearing if it is unopposed or no hearing is requested.

4. As rationale, Public Service states that good cause exists for the variance as follows. First, the requested variance was contemplated by the settlement agreement in Proceeding No. 22A-0189E, which noted that the next Phase I DSP may need to be delayed up to six months to accommodate the provisions of the settlement, and through which parties agreed they would not oppose such a waiver. Second, the availability of new federal funding through the Inflation Reduction Act (IRA) and Infrastructure Investment and Jobs Act (IIJA) has changed the policy landscape in Colorado related to DERs and may produce new opportunities for third-party pilots. Third, state-level policy changes, such as the Commission's Gas Infrastructure Planning and Clean Heat Plan Rules, will impact electrification and the electric distribution system. Public Service states that it sees value in improving linkages across commodities. Public Service further notes that an extension beyond the previously-contemplated six months is necessary to integrate new forecasting information into LoadSEER. Fourth, the extended timeline better aligns with internal budgeting and forecasting, allowing for more recent distribution load forecast and budget information to be incorporated, which is critical to articulating the vision of distribution planning and incorporating emerging technologies. Finally, Public Service has also agreed to continue to develop the roadmap for its Distributed Energy Management System (DERMS) which will be presented in the next Phase I DSP or another appropriate proceeding. Public Service summarizes that this extension is necessary to develop a forward-looking and industry-leading DSP.

5. With respect to conferral, Public Service states it has conducted outreach with the settling parties from Proceeding No. 22A-0189E and no opposition has been expressed thus far.

Those settling parties were Trial Staff of the Commission, the Colorado Energy Office, the Colorado Office of the Consumer Advocate, the City of Boulder, the City and County of Denver, Holy Cross Energy, Southwest Energy Efficiency Project, Vote Solar, Western Resource Advocates, and the Colorado Solar and Storage Association, Solar Energy Industries Association, and Advanced Energy United (collectively, CEI).

C. Findings and Conclusions

6. 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 (b)(VI) 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.

7. We find good cause to conclude that it is reasonable to establish a shortened notice and intervention period before rendering a decision on the merits of Public Service's petition. We further direct potential parties to include with or at the same time as their intervention, any objections to the relief sought by Public Service.

8. Requests for intervention, including a Notice of Intervention by Right of Staff, shall be filed no later than **December 29, 2023**.

9. **This Decision is the Commission's notice that Public Service's petition has been filed.** Public Service's petition for variance from Rule 3528 to extend the filing date of its next Phase I DSP 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-0609E

II. ORDER

A. It Is Ordered That:

1. The request of Public Service Company of Colorado (Public Service) for a shortened notice and intervention period for its petition, filed on December 15, 2023, for a variance from Rule 3528 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 Distribution System Plan to on or before November 15, 2024, is granted.

2. Service of this Decision will provide notice of Public Service's petition to all interested persons, firms, and corporations.

3. The notice and intervention period shall expire at **5:00 p.m. on December 29, 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 **December 29, 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
December 20, 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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MEGAN M. GILMAN

TOM PLANT

Commissioners