

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0249E

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING ELECTRIC UTILITIES TO IMPLEMENT THE PROVISIONS OF SB21-072 REGARDING TRANSMISSION UTILITY PARTICIPATION IN ORGANIZED WHOLESALE MARKETS, 4 CODE OF COLORADO REGULATIONS 723-3.

**INTERIM DECISION OF
HEARING COMMISSIONER ERIC BLANK
ADDRESSING MOTION TO CONTINUE
APRIL 4, 2023 HEARING**

Mailed Date: March 31, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On March 17, 2023, by Decision No. C23-0189-I, Hearing Commissioner Eric Blank scheduled a hearing on April 4, 2023. The Hearing Commissioner previously conducted a hearing on October 11, 2022. At the end of that earlier hearing, he stated that he would provide an opportunity for additional comments from rulemaking participants and potentially schedule additional hearings by separate written decision.¹

2. On March 24, 2023, Tri-State Generation and Transmission Association (Tri-State), Public Service Company of Colorado, and Black Hills Colorado Electric, LLC, together the Transmission Utilities, filed a joint motion asking that the Hearing Commissioner to continue the hearing scheduled for April 4, 2023, to a later date.

¹ Hearing Transcript, Proceeding No. 22R-0249E, October 11, 2022, pp. 120-121.

3. The Transmission Utilities state that there are scheduling challenges related to the April 4, 2023, hearing scheduled by Decision No. C23-0189-I. For example, another rulemaking hearing is scheduled the same day in Proceeding No. 22R-0557EG. Many necessary staff at the Transmission Utilities are unavailable in the two weeks leading up to April 4, 2023. Tri-State is expecting to receive comments on its Phase II Implementation Report on March 30, 2023, in its ongoing Electric Resource Plan proceeding (Proceeding No. 20A-0528E) and will have approximately two weeks to prepare and submit reply comments. Finally, Tri-State's Annual Meetings are scheduled for April 4 through 5, 2023. The Transmission Utilities offer April 28, 2023, as a possible date for the continued hearing.

4. With respect to their conferral with other participants in this rulemaking proceeding, the Transmission Utilities state that the Colorado Solar and Storage Association and the Colorado Office of the Utility Consumer Advocate support the motion, that the Colorado Energy Consumers and Climax Molybdenum Company do not oppose the motion, and that the Colorado Independent Energy Association takes no position on the request. They state that Interwest Energy Alliance and Western Resources Advocates do not oppose that the request for the April 4, 2023, hearing to be continued to a later date, provided that the April 4, 2023, hearing is held as currently scheduled. The Transmission Utilities state that responses to the motion for the purpose of conferral were not received from Sierra Club, the Colorado Energy Office, Clean Energy Buyers Association, Natural Resources Defense Council, Advanced Energy United, Signal Tech Coalition, the Sustainable FERC Project, and Western Grid Group.

5. The Hearing Commissioner finds good cause to grant the Transmission Utilities' request for the April 4, 2023, hearing to be continued to allow for this rulemaking proceeding to carry on with an additional hearing to be scheduled at a later date. Rulemaking participants will

thus have additional opportunity to provide written and oral comments after the April 4, 2023, hearing. Members of the public do not need to provide oral comments at the April 4, 2023, public comment hearing because the hearing will be continued. The date and time for the continued comment hearing will be established through a separate decision and noticed further to the public.

6. The Hearing Commissioner will nevertheless convene the public comment hearing on April 4, 2023 as scheduled by video conference using Zoom at a link in the calendar of events on the Commission's website, available at: <https://puc.colorado.gov/puccalendar>. The hearing will begin at 9:00 a.m. on April 4, 2023, and will conclude when continued to a future date.

B. It Is Ordered That:

1. The public comment hearing scheduled to be held on April 4, 2023, by Decision No. C23-0189-I shall be conducted in accordance with the procedures set forth in this Decision.

2. The Hearing Commissioner prefers and encourages interested persons to pre-file comments in this Proceeding (22R-0249E) through its E-Filings System at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=22R-0249E

3. The Hearing Commissioner may schedule additional hearings if necessary.
4. This Decision is effective upon its Mailed Date.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

Hearing Commissioner

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director