

Decision No. C24-0803

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.

**COMMISSION DECISION GRANTING MOTION FOR
VARIANCE**

Issued Date: November 5, 2024

Adopted Date: October 30, 2024

I. BY THE COMMISSION

A. Statement

1. On December 15, 2023, Public Service Company of Colorado (“Public Service” or the “Company”) filed a Verified Petition (“Petition”) for a variance from Rule 3528 of the Commission’s Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (“CCR”) 723-3, which requires the Company to file its next Distribution System Plan (“DSP”) by January 31, 2024.

2. By Decision No. C24-0014, issued on January 8, 2024, the Commission granted the Petition and moved the filing deadline for the Company’s next DSP from January 31, 2024, to November 15, 2024.

3. On October 28, 2024, Public Service filed a Motion for a Variance from Commission Decision No. C24-0014 to Extend the Deadline to File the 2025-2029 Distribution System Plan from November 15, 2024, to December 16, 2024 (“Motion”).

4. By this Decision, the Commission grants the Motion. Consistent with the discussion below, Public Service shall file its next DSP no later than December 16, 2024.

B. Discussion

5. In the Motion, Public Service states that, on May 22, 2024, Colorado lawmakers signed Senate Bill (“SB”) 24-218 into law, directing the Company to “upgrade the State’s electrical distribution system as needed and in time to affordably and reliably support the achievement of the State’s beneficial and transportation electrification decarbonization goals and support implementation of federal, state, regional, and local air quality and decarbonization targets, standards, plans and regulations.” § 40-2-132.5 (4)(a), C.R.S.

6. According to the Public Service, the new legislation “launches a fundamental paradigm shift in how utilities in this State must approach distribution planning and investment.” The law “expands the scope, role, and requirements” of the forthcoming DSP in several ways beyond the work the Company anticipated in December 2023 when the November 15, 2024, deadline was requested in the Petition.

7. For instance, Public Service points to three requirements in SB 24-218 that the Company must address in its next DSP filing: the new Grid Modernization Adjustment Clause for the recovery of distribution activity costs; the performance measures for interconnections, flexible load and demand management, and the timing of the energization of loads; and the future planning scenarios showing different states of the Company’s distribution system. On that last point, Public Service states that the scenario modeling being completed by its contractor Kevala, Inc. will not be completed before the November 15, 2024, filing deadline set by Decision No. C24-0014.

8. Public Service further states in the Motion that the Company conferred with the parties to its inaugural DSP proceeding, Proceeding No. 22A-0189E, regarding this second request

for a delay, and states that the Motion is unopposed. The Company asks that response time to the Motion be waived.

C. Findings and Conclusions

9. We find good cause to waive response time to the Motion and to grant the Motion. We agree with Public Service that SB 24-218 has materially expanded the nature and scope of the Company's next DSP filing and that an extension of approximately one month is reasonable. Public Service shall therefore file its next DSP no later than December 16, 2024.

10. Although we agree that a one-month extension to the filing deadline is warranted, as the Commission discussed in Decision No. C24-0720, the next DSP filing by Public Service is important to several upcoming filings and proceedings, including the ultimate true-up of costs of distribution activities recovered through the Company's Transmission Cost Adjustment ("TCA"). The broader context surrounding the hundreds of millions of dollars of spending on distribution activities remains a key concern that will be further examined in the upcoming DSP proceeding and other corresponding dockets, including the advice letter proceeding for the TCA effective January 1, 2025, and other filings contemplated in Decision No. C24-0720 and SB 24-218.

II. ORDER

A. The Commission Orders That:

1. The Motion for a Variance from Commission Decision No. C24-0014 to Extend the Deadline to File the 2025-2029 Distribution System Plan from November 15, 2024, to December 16, 2024, filed by Public Service Company of Colorado ("Public Service") on October 28, 2024, is granted.

2. Public Service shall file its next Distribution System Plan no later than December 16, 2024, consistent with the discussion above.

3. The 20-day period provided in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

4. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 30, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director