

Decision No. R24-0265-I

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
GRANTING MOTION FOR EXTRAORDINARY
PROTECTION AND WAIVING RESPONSE TIME**

Mailed Date: April 24, 2024

I. BY THE COMMISSION

A. Statement

1. By this Decision, Hearing Commissioner Eric Blank grants the Motion for Extraordinary Protection of Highly Confidential Information (Motion) filed by Public Service Company of Colorado (Public Service or the Company) on April 18, 2024. Through the Motion, Public Service requests extraordinary protection for information and documents related to the Company's response to Decision No. R24-0121-I in this proceeding. Upon review of the Motion, Hearing Commissioner Blank finds good cause to grant the requested relief and waive the remaining response time.

B. Motion for Extraordinary Protection

2. Public Service requests extraordinary protection for five Excel spreadsheets that contain results from the Western Markets Exploratory Group: Western Day Ahead Market Production Cost Impact Study, dated June 2023, prepared by Energy and Environmental

Economics (Highly Confidential Information). The Highly Confidential Information was referenced in the Company's response to Decision No. R24-0121-I, filed on March 19, 2024. Public Service seeks extraordinary protection for these documents and the information contained therein, as well as any documents or information discussing or identifying any of the Highly Confidential Information, including all comments, replies, and any other associated documents that may be provided throughout the course of this Proceeding.

3. The Company requests that access to the Highly Confidential Information be limited to the Commissioners and their advisory staff and advisory counsel.

4. To support its request, Public Service states the Highly Confidential Information contains commercially sensitive hourly market price data. If this information is released, Public Service contends that it could seriously harm the Company's traders, who buy and sell energy in short term market to reduce energy costs, as well allow other trading organizations to use the information to raise the cost of power sold to Public Service. Public Service also states that a detailed summary of the results was provided publicly as Attachment 1 to its Amended Response to Decision No. R24-0121-I, and that the highly confidential hourly market data is not relevant to the rulemaking.

5. When presented with a motion for extraordinary protection of claimed highly confidential information, the Commission determines whether the information is, in fact, highly confidential, the level of extraordinary protection that may be warranted, and to whom access should be granted.

6. The operative language in Rule 1101(b)(IV) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, which concerns motions requesting highly confidential protection, requires that the motion:

shall include a showing that the information for which highly confidential protection is sought is highly confidential; that the protection afforded by the Commission's rules for furnishing confidential information provides insufficient protection for the highly confidential information; and that, if adopted, the highly confidential protections proposed by the movant will afford sufficient protection for the highly confidential information

7. I find the reasoning and arguments in the Motion persuasive. The Motion states good cause to grant the relief sought under Rule 1101, 4 CCR 723-1. The Hearing Commissioner further finds the requested protections are appropriate, are reasonable, and are consistent with the Commission's Rules and past practice.

8. Based on the foregoing, I grant the Motion and waive the remaining response time. Access to the Highly Confidential Information outlined in the Motion shall be limited to the Commissioners and their advisory staff and counsel.

II. ORDER

A. It Is Ordered That:

1. The Motion for Extraordinary Protection of Highly Confidential Information (Motion) filed by Public Service Company of Colorado on April 18, 2024, is granted.

2. The remaining response time to the Motion is waived.

3. This Decision is effective on 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 that reads "Rebecca E. White".

Rebecca E. White,
Director