

Decision No. R24-0594-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24R-0306E

IN THE MATTER OF MODIFICATIONS TO THE COMMISSION'S ELECTRIC RULES TO ADDRESS THE IDENTIFICATION AND PROTECTION OF SITES OF HISTORIC AND CULTURAL SIGNIFICANCE TO FEDERALLY RECOGNIZED TRIBAL NATIONS.

**INTERIM DECISION GRANTING MOTION FOR
EXTENSION OF TIME IN PART**

Issued Date: August 15, 2024

I. STATEMENT AND PROCEDURAL HISTORY¹

1. On July 11, 2024, by Decision No. C24-0494, the Colorado Public Utilities Commission (“PUC” or “Commission”) issued a Notice of Proposed Rulemaking (“NOPR”) to amend the Commission’s Rules Regulating Electric Utilities, 3 *Code of Colorado Regulations* (“CCR”) 723-3 (“Electric Rules”). The purpose of this rulemaking is to establish rules clarifying the process by which regulated electric utilities and wholesale generation and transmission cooperative associations (wholesale cooperatives) identify impacts to sites of historic and cultural significance to federally recognized Tribes, and present relevant information for consideration by the Commission in the context of certain resource planning and infrastructure decisions.

2. The NOPR incorporated proposed rules and invited interested persons or entities to submit written and/or verbal comments about the proposed rules.

¹ This Interim Decision only summarizes the procedural history pertinent to this Decision. For a more complete recitation of the procedural history of this Rulemaking Proceeding, please see Decision No. C24-0494 issued July 11, 2024.

3. A virtual public comment hearing, at which participants and interested persons can offer verbal comments about the proposed changes to the Electric Rules, is scheduled to be held Tuesday, August 27, 2024, at 11:00 a.m.

4. The NOPR ordered those wishing to file initial written public comments in advance of the public comment hearing to do so by August 9, 2024. The NOPR mandated that anyone wishing to file a written response to the initial written comments do so no later than August 16, 2024.

5. The NOPR also referred this Proceeding to an Administrative Law Judge (“ALJ”) for the issuance of a recommended decision. The matter was subsequently assigned to the undersigned ALJ.

6. The Commission has received 12 initial written comments from multiple sources representing a broad spectrum of interested persons and entities. The initial comments received are insightful and complex. Some are also lengthy, include multiple attachments, and reference other federal and state statutes.

7. On Monday, August 12, 2024, an interested entity, Tri-State Generation and Transmission Association (“Tri-State”), filed a Motion for Extension of Time and Request for Shortened Response Time (“Motion for Extension of Time”). In its motion, Tri-State requests a one-week extension of the deadline to file responsive comments, up to and including August 23, 2024.

8. In addition, because of the short time-period involved, Tri-State requested that the time for responding to its Motion for Extension of Time be shortened to two business days.

9. By Decision No. R24-0583-I, issued August 13, 2024, the undersigned ALJ shortened the response time to object to the Motion for Extension of Time. Anyone wishing to respond to or object to the Motion for Extension of Time was ordered to do so by the close of business on Wednesday, August 14, 2024.

10. Tri-State represents that the following entities support the Motion for Extension of Time: Black Hills Colorado Electric, LLC; Public Service Company of Colorado; Colorado Solar & Storage Association; and Western Resource Advocates. In addition, GRID Alternatives and the Southern Ute Indian Tribe informed Tri-State that they do not oppose the Motion for Extension of Time. Other entities who have filed initial written comments did not respond to Tri-State's inquiry about their position pertaining to the Motion for Extension of Time.

11. No individuals, entities, or interested persons filed objections or responses to Tri-State's Motion for Extension of Time by the August 14, 2024. Indeed, the Commission has not received any filings objecting to Tri-State's request for additional time to file responsive comments. The Motion for Extension of Time is consequently unopposed and may be deemed confessed pursuant to Rule 1400(d) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

12. Given the complexity of the issues raised in the initial written comments the Commission has received in this Proceeding, and the volume of materials filed with those initial written comments, the undersigned ALJ is persuaded that additional time for interested persons and entities to file responsive comments is warranted.

13. However, the ALJ is also mindful that the Commission and interested persons require adequate time to review and consider any responsive comments in advance of the public

comment hearing scheduled for Tuesday, August 27, 2024. The ALJ believes that two business days, as well as two weekend days, should provide interested persons sufficient time to review, analyze, and consider any responsive written comments before the commencement of the August 27, 2024 public comment hearing.

14. Therefore, the ALJ will grant individuals and entities interested in filing responsive comments an extension of time of six days, or up to and including the close of business on Thursday, August 22, 2024, to file responsive written comments to the initial written comments filed in this Rulemaking Proceeding.

II. ORDER

A. It Is Ordered That:

1. Tri-State Generation and Transmission Association's Motion for Extension of Time and Request for Shortened Response Time ("Motion for Extension of Time"), filed August 12, 2024, is granted in part.

2. The deadline for filing responsive written comments in this Rulemaking Proceeding, currently due August 16, 2024, will be extended by six days.

3. Interested persons wishing to file responsive written comments to the initial written comments filed in this Rulemaking Proceeding must file their responsive comments by the close of business on Thursday, August 22, 2024.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director