

Decision No. R24-0631-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 CONTINUING PUBLIC COMMENT
HEARING AND SCHEDULING CONTINUED PUBLIC
COMMENT HEARING**

Issued Date: September 4, 2024

I. STATEMENT AND PROCEDURAL HISTORY

1. On July 11, 2024, by Decision No. C24-0494, the Colorado Public Utilities Commission (“PUC” or the “Commission”) issued a Notice of Proposed Rulemaking (“NOPR”) to commence this Proceeding to amend the Commission’s Rules Regulating Electric Utilities, 3 *Code of Colorado Regulations* 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. The NOPR set a deadline of August 9, 2024, for interested persons or entities to submit initial written comments, and a deadline

of August 16, 2024, for interested persons or entities to submit responsive written comments to the initial comments.

3. The NOPR scheduled a public comment hearing, at which those interested could offer their verbal comments, for Tuesday, August 27, 2024, at 11:00 a.m.

4. Finally, the NOPR 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.

5. The Commission received 12 initial written comments from multiple sources representing a broad spectrum of interested persons and entities, including from electric utilities, Tribes, and historians. The initial comments received are insightful and complex, but also lengthy, including multiple attachments, and references to other federal and state statutes.

6. Because of the complexity of the initial comments, by Decision No. R24-0594-I, issued August 15, 2024, the undersigned ALJ granted interested persons and entities additional time to submit responsive comments, up to and including August 22, 2024.

7. The Commission received seven responsive comments by the new deadline. Some responsive commenters suggested that the complexity of the issues raised in this Rulemaking merited allowing interested persons more time to consider and discuss the issues before a Recommended Decision is issued.

8. On Tuesday, August 27, 2024, the undersigned ALJ convened the public comment hearing as scheduled. Numerous interested persons attended and participated in the hearing.

II. CONTINUED PUBLIC COMMENT HEARING

9. Based upon the written comments the Commission received before the hearing, and the verbal comments offered during the public comment hearing, the ALJ finds and concludes that another public comment hearing in this Proceeding is warranted and appropriate.

10. Therefore, at the end of the August 27, 2024 public comment hearing, the ALJ announced that the public comment hearing would be continued and that another public comment hearing will be held on **Tuesday, October 29, 2024, commencing at 11:00 a.m.**

11. This Interim Decision memorializes the continuance of this Proceeding and schedules the continuation of the fully remote public comment hearing for **October 29, 2024, at 11:00 a.m.**

12. The public comment hearing will be held using the web-hosted video-conferencing service, Zoom. This means that members of the public who wish to participate in the public comment hearing should not appear in person at the Commission's offices but should instead appear remotely via Zoom.

A. **Observing the Public Comment Hearing**

13. Consistent with Commission practice, the public comment hearing will be webcast on the Commission's website. Persons wishing to observe, but not provide comments in the hearing may do so by observing the webcast of the hearing and need not register through Zoom. To observe the hearing by webcast, enter this link in the web browser <https://puc.colorado.gov/webcasts> and select the audio or video option for the assigned hearing room. The assigned hearing room will be identified on the Commission's public calendar for the date and time of the hearing, at the following link: <https://puc.colorado.gov/pucalendar>.

B. Participating in the Public Comment Hearing

14. Those interested in providing public comment during the hearing must register in advance using a link posted on the calendar of events on the PUC's website at <https://puc.colorado.gov/puccalendar>. Registrants will receive an email with a link to provide comment during the Zoom session. If an interested person cannot obtain the link and register, they can contact the PUC for assistance at (303) 894-2000.

15. Those registered to provide comment during the hearing are strongly encouraged to prepare in advance and familiarize themselves with how to use the Zoom meeting platform. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by video-conference using a computer. This is intended to ensure that the remote hearing proceeds efficiently. Hence, it is important that registered video conference participants carefully review and follow all requirements in this Decision and Attachment A.

16. For those who wish to provide oral comments during the hearing, video conference participation is preferred and encouraged because it allows for the hearing to be held in a manner most similar to in-person hearings. Nevertheless, interested persons have the option to participate by telephone.

17. The Commission strives to accommodate all members of the public at its hearings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Registrants requesting an interpreter during the public comment hearing should complete the Language Access Form at <https://puc.colorado.gov/how-to-participate> at least one week prior to the event. Requests for accommodation can also be made directly by contacting Holly Bise at (303) 894-2024 or holly.bise@state.co.us.

C. Other Methods to Submit Public Comment

18. Interested persons wishing to provide public comment need not participate in the public comment hearing to do so. In addition to accepting comments during the public comment hearing, the Commission makes available other means by which interested persons may provide written or oral comments. The Commission prefers written comments over oral comments but gives written and oral comments the same weight.

19. Interested persons are encouraged to submit written comments through either: (a) the Commission's Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this Proceeding; or (b) the Commission's website at <https://puc.colorado.gov/> by clicking on the "FILE A COMMENT OR COMPLAINT" link. Anyone using the latter option should ensure that their comments include this Proceeding number (Proceeding No. 24R-0306E).

20. Oral comments will be accepted from any interested person who leaves a voice mail message at (303) 869-3490 or from registered commenters offering public comment during the scheduled public comment hearing. Those leaving voice mail public comments must include their name, the spelling of their name, and this Proceeding number (Proceeding No. 24R-0306E) in their message. Voice mail messages will be transcribed and placed in the record of this Proceeding.

21. The Commission will equally consider public comments, regardless of the format in which they are submitted (verbal or in writing).

III. ORDER**A. It Is Ordered That:**

1. The public comment hearing in Proceeding No. 24R-0306E is continued.

2. The continued fully remote public comment hearing on the proposed revisions to the Commission's Rules Regulating Electric Utilities is scheduled as follows:

DATE: **October 29, 2024**

TIME: **11:00 a.m.**

PLACE: By video conference: using the Zoom web conferencing platform at a link in the calendar of events on the Commission's website, available at <https://puc.colorado.gov/>.

3. All those who wish to provide comments in the public comment hearing must register for the hearing in order to receive the Zoom information to join the public comment hearing. Interested persons must register to participate in the public comment hearing by clicking on a link available on the Commission's calendar of events on its website for the date and time(s) of the hearing at <https://puc.colorado.gov/puccalendar>, and following the requirements in Attachment A hereto, which is incorporated as if fully set forth herein.

4. Those wishing to observe but not provide comment in the above public comment hearing may do so by observing the Commission's webcast for the assigned hearing room at: <https://puc.colorado.gov/webcasts>.

5. Members of the public who wish to provide written or oral comments outside of the public comment hearing may do so by following the instructions set out in section II.C of this Decision.

6. The Administrative Law Judge may schedule additional public comment hearings if necessary.

7. Interested persons wishing to file written comments in advance of the October 29, 2024 public comment hearing must do so by the close of business on **Tuesday, October 15, 2024**.

8. 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