

Decision No. C25-0320-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0442E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2024 JUST TRANSITION SOLICITATION.

**INTERIM COMMISSION DECISION SETTING
SHORTENED RESPONSE TIME FOR MOTION TO
REQUIRE SUPPLEMENTAL DIRECT TESTIMONY**

Issued Date: April 23, 2025

Adopted Date: April 23, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On October 15, 2024, Public Service Company of Colorado (“Public Service” or the “Company”) filed a Verified Application for Approval of its 2024 Just Transition Solicitation (“JTS”) Application.

2. Through Decision No. C25-0064-I, issued January 29, 2025, the Commission adopted a procedural schedule and scheduled an *en banc* evidentiary hearing.

3. Through Decision C24-0956-I, issued December 31, 2024, the Commission established topics and requirements for the Company to address through supplemental direct testimony.

4. On March 13, 2025, the Commission held a remote Joint Technical Conference in order to ascertain more information from Public Service regarding certain models and forecasts the Company put forth in this Proceeding as well as in the Company’s 2025-2029 Distribution

System Plan proceeding. Company witnesses were made available and presented information and answered questions regarding six Commission-determined categories of information.

5. On April 2, 2025, Public Service filed a Notice of Filing and Hearing Exhibit 115, which provides an overview of the Strategic Resilience Reserve Fund (“SRRF”) concept. Public Service states the SRRF is directly responsive to discussion at the Joint Technical Conference.

6. The Company states the SRRF is designed to manage supply chain challenges and secure combustion turbines and transformers for the benefit of Colorado customers during the JTS Resource Acquisition Period (which ends in 2031). The SRRF would allow the Company to acquire combustion turbines and transformers to help advance dispatchable generation and/or transmission projects to facilitate resource portfolios in the JTS.

7. Public Service proposes that the SRRF shall not exceed \$500 million in expenditures and that it will recover the costs associated with the SRRF through the Purchased Capacity Cost Adjustment. The Company states the SRRF could be available for use upon the Commission’s approval in the Phase I Decision of this Proceeding.

8. On April 15, 2025, Colorado Communities for Climate Action (“CC4CA”) filed a Motion to Require Supplemental Direct Testimony on the Strategic Resilience Reserve Fund (“Motion”). The Motion also requests a waiver of Rule 1405(d), 4 *Code of Colorado Regulations* (“CCR”) 723-1, and shortened response time.

9. CC4CA states the following parties support its Motion: the Colorado Office of the Utility Consumer Advocate; Western Resource Advocates and Southwest Energy Efficiency Project; the Conservation Coalition; the Environmental Justice Coalition; Healthy Air and Water

Colorado; the Coalition for Community Solar Access; and the Colorado Solar and Storage Association/Solar Energy Industries Association/Advanced Energy United.

10. The Colorado Independent Energy Association states it “supports filing supplemental direct but [] opposes the proposed supplemental answer and timeline of having only 18 days to conduct discovery and prepare supplemental answer while concurrently preparing for cross-answer.”

11. CC4CA represents that Public Service will review the Motion when it is filed and reserves the right to respond, but that the Company agreed to a shortened response time of seven days.

12. CC4CA states the rest of the parties to this Proceeding take no position, do not oppose, or have no objection to its Motion.

13. CC4CA requests the Commission require the Company to file supplemental direct testimony supporting and explaining its SRRF proposal within seven days of the Commission’s ruling on this Motion. CC4CA argues that Public Service’s Hearing Exhibit 115, which is a two-page bulleted list, lacks sufficient detail and support for interveners to comprehensively evaluate the SRRF. As an example, CC4CA contends the SRRF proposal does not include any details on the “tightening supply chain” for transformers and combustions turbines, such as the average historical or projected amount of time required to procure equipment or production slots.

14. While CC4CA acknowledges that the Company has noted its witnesses can speak to additional details of the SRRF, it contends that a proposal with such a significant impact to customers should be addressed in formal testimony.

15. CC4CA also requests the Commission waive Rule 1405(d), which establishes that the last day to propound discovery directed at direct testimony is the deadline for filing Answer

Testimony. CC4CA contends that good cause exists for waiver since the SRRF proposal was filed only 16 days before Answer Testimony is due on April 18, 2025, and thus intervenors do not have sufficient time to review the proposal, propound discovery, receive discovery responses, and develop and incorporate recommendations into Answer Testimony.

16. CC4CA requests the Commission permit intervenors to file supplemental Answer Testimony, limited to their response to the SRRF proposal testimony, within 18 days of the Company's testimony on the SRRF.

17. We find good cause to grant CC4CA's request to set a shortened response deadline to allow for expeditious consideration of the Motion, particularly given upcoming testimony filings and the scheduled hearing. Given that the filing was made the afternoon of April 15, 2025, since limited parties (via the conferral statement) raised concerns or potential opposition to the Motion, and because the Company agreed proactively to shortened response time once it could review the filed Motion, a response by April 24, 2025 balances moving forward with consideration of the request and the ongoing procedural timeline.

18. Responses shall therefore be due by **5:00 p.m. on April 24, 2025**.

19. We will address the merits of the Motion at a future date.

II. ORDER

A. It Is Ordered That:

1. The deadline to file responses to Colorado Communities for Climate Action's Motion to Require Supplemental Direct Testimony on the Strategic Resilience Reserve Fund, Waive Rule 1405(d) and Permit Supplemental Limited Answer Testimony, and Request for Shortened Response Time, filed on April 15, 2025, is **5:00 p.m. on April 24, 2025**.

2. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 16, 2025.**

(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