

Decision No. C25-0701

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0141E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2021 ELECTRIC RESOURCE PLAN AND CLEAN ENERGY PLAN.

**COMMISSION DECISION ADDRESSING
APPLICATIONS FOR REHEARING,
REARGUMENT, OR RECONSIDERATION OF
COMMISSION DECISION NO. C25-0587-I**

Issued Date: September 26, 2025

Adopted Date: September 10, 2025 & September 17, 2025

I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission grants, with modifications, the Application for Rehearing, Reargument, or Reconsideration of Decision No. C25-0587-I (“RRR”) that Public Service Company of Colorado (“Public Service” or “Company”) filed on August 28, 2025, and grants the Corrected RRR that Colorado Independent Energy Association (“CIEA”) filed on September 10, 2025.¹

II. BACKGROUND

2. As discussed in Decision No. C25-0587-I, issued August 12, 2025, (“Decision Initiating Stage 2 Process”), on January 14, 2025, the Commission issued Decision No. C25-0024,

¹ CIEA filed its initial RRR on September 2, 2025. The Commission deliberated on both CIEA’s RRR and Public Service’s RRR at the September 10, 2025 Commissioners’ Weekly Meeting (“CWM”), Commissioner Tom Plant was absent at this meeting. Later on September 10, 2025, CIEA filed its Corrected RRR. At our September 17, 2025 CWM, we granted CIEA’s Corrected RRR.

granting, in part, and denying, in part, the Company's Clean Energy Plan ("CEP") Delivery Motion ("CEP Delivery Decision"). In the CEP Delivery Decision, the Commission approved, among other things, a process by which developers could seek price relief based on changes of federal law. This was intended to encourage developers to move forward with projects even though future tariffs or changes to tax credits might impact the projects' financials.² Stage 2 relief would provide up to a 15 percent total price increase, inclusive of any prior approved increase in Stage 1.³

3. Under the CEP Delivery Decision, the Stage 2 process would be initiated by a motion filed by the Company, Staff, or by the Commission on its own motion, describing the change in law and explaining why Stage 2 relief is appropriate. After the Commission initiates the Stage 2 process, bidders, including the Company, must submit requests and documentation to the independent auditor ("IA"). After the IA makes its verification, it would then submit all materials to the Commission. Intervenors will have 21 days to review the IA's initial determination. Public Service and any impacted developer would then have seven days to file response comments. The IA's determination would not go into effect until the Commission decision, which would be issued in due course.⁴

4. On July 15, 2025, Public Service filed a Motion to Initiate Stage 2 Price Relief Process. In the Motion, Public Service asserted that numerous new tariff actions have been announced since the CEP Delivery Decision. Public Service further noted the Reconciliation Bill that Congress passed on July 3, 2025, advances the sunset date of the federal investment and production tax credits for certain renewable projects. For administrative efficiency, the Company

² Decision No. C25-0024, issued January 14, 2025, ¶ 72.

³ CEP Delivery Decision, ¶ 61.

⁴ CEP Delivery Decision, ¶ 75.

asked that Stage 2 relief be available to “any and all developers pursuant to the Commission-approved process set forth in Decision No. C25-0024.”⁵

5. In the Decision Initiating Stage 2 Process, the Commission granted the Motion to Initiate Stage 2 Price Relief, including the Company’s request that Stage 2 relief be available to all developers. With all of the uncertainties that have developed over the past year, the Commission acknowledged the need to be “as fast and flexible as possible” regarding Stage 2.⁶

6. In explaining how the Stage 2 process was intended to work, the Decision Initiating Stage 2 Process states that bidders would be required to submit requests and documentation to the IA within 30 days of any Commission decision approving Stage 2 relief.⁷ The Decision Initiating Stage 2 Process also recounts, however, that any requests for relief must be completed through submittal to the IA no later than December 31, 2025, or 18 months prior to the project’s commercial operation date (“COD”), whichever is later. Parties may, however, petition for an extension as necessary.

7. In the Decision Initiating Process, the Commission raised concerns that the 30-day deadline for bidders to submit documentation to the IA may be too aggressive. The Commission noted that it “will be flexible on the 30-day deadline, as appropriate and requested.”⁸

III. PUBLIC SERVICE’S RRR

8. In its RRR, Public Service notes that the directive requiring all projects to submit requests to the IA within 30 days is in tension with the directive that requests for relief must be completed 18 months prior to a project’s COD. The Company requests, on behalf of all project

⁵ Motion, p. 4.

⁶ Decision Initiating Stage 2 Process, ¶ 11.

⁷ Decision Initiating Stage 2 Process, ¶ 4 (citing CEP Delivery Decision, ¶ 60 and Hr. Ex. 166, Ihle Testimony, p. 53).

⁸ Decision Initiating Stage 2 Process, ¶ 12.

developers, to modify and clarify the timing requirements such that bidders can submit requests for relief to the IA no later than December 31, 2025, or 18 months prior to the project's COD. In addition, projects would be encouraged to submit requests to the IA within a reasonable time after all equipment purchases subject to tariffs have occurred, but such requests are not due within 30 days of the Decision Initiating Stage 2 Process.⁹

9. Public Service acknowledges that its CEP Delivery Plan and associated testimony did not assess how the 30-day requirement would affect projects with later in-service dates or interact with the proposed structure of allowing requests up to 18 months prior to COD. In addition, the Company states that it has had discussions with developers who would seek relief, but are not prepared to complete the required process of documenting their need for relief on a 30-day timeline. Other developers plan to seek relief from tariffs but do not yet know their actual change in costs because they have not yet procured all equipment. Public Service thus asserts the 30-day timeline is not practicable for some developers.

10. Public Service specifically requests the Commission modify and clarify the Stage 2 process with the following language:

The Commission clarifies that, in accordance with paragraph 60 of Decision No. C25-0024, any requests for relief must be completed through submittal to the IA no later than December 31, 2025, or 18 months prior to the project's commercial operation date ("COD"), whichever is later. Consistent with paragraph 76 of Decision No. C25-0024, a project may petition for an extension of this deadline as necessary. The Commission encourages projects that require Stage 2 relief to submit requests to the IA within a reasonable time after all equipment purchases subject to tariffs have occurred, but clarifies that such requests are not due within 30 days of Decision No. C25-0587-I.¹⁰

⁹ Public Service's RRR, pp. 4-5.

¹⁰ Public Service's RRR, pp. 4-5.

11. The Company further requests that the Commission grant any necessary variance for good cause shown.

IV. CIEA'S CORRECTED RRR

12. Similar to Public Service's RRR, in its corrected RRR CIEA seeks clarification regarding how the Stage 2 procedure will operate. CIEA does not request additional pricing relief but rather argues the Commission should clarify that bidders have more than one opportunity to show the need for Stage 2 pricing relief. CIEA also argues that bidders should have the flexibility to seek Stage 2 relief up to 18 months before the respective project's COD, or by December 31, 2025, whichever is later. In this way, CIEA suggests modifications to the Company's RRR proposal.

13. Regarding the first request, CIEA argues that developers need flexibility to respond to present and future changes in law. Rather than only giving developers one opportunity to request and document Stage 2 relief, CIEA argues developers should be allowed to present multiple requests to the IA as new changes in law affect their projects. Regardless of whether a developer presents more than one price relief request, CIEA confirms that the total price increase would not be allowed to exceed the 15 percent contemplated in the CEP Delivery Decision, the IA must verify that pricing changes are valid, and any such price relief request must be timely.¹¹ To manage the various requests for price relief, CIEA suggests that Public Service could make a quarterly aggregated filing for all price relief requests that the IA has vetted that quarter. CIEA argues this would allow developers to submit requests and documentation to the IA on a rolling basis but would still fix an end date for the Stage 2 process.

¹¹ CIEA's Corrected RRR, pp. 5-6.

14. CIEA's second request largely follows Public Service's RRR request regarding the 30-day deadline. CIEA specifically seeks Commission clarification that the Stage II relief process should extend to 18 months prior to COD for all PPA projects, and that the 2025 or 2026 restrictions are no longer relevant, except where such dates are later than the 18-months prior to COD deadline. Thus, CIEA argues that bidders should be allowed to submit price relief requests to the IA no later than 18 months prior to the project's COD, or by December 31, 2025, whichever is later.¹²

15. In sum, CIEA requests the Commission make the following modifications to the language Public Service proposed in its RRR. CIEA states the below language incorporates both of CIEA's requests:

The Commission clarifies that, in accordance with paragraph 60 of Decision No. C25-0024, any requests for relief must be completed through submittal to the IA no later than December 31, 2025, or 18 months prior to the project's commercial operation date ("COD"), whichever is later. Consistent with paragraph 76 of Decision No. C25-0024, a project may petition for an extension of this deadline as necessary. The Commission encourages projects that require Stage 2 relief to submit requests to the IA within a reasonable time after all equipment purchases subject to tariffs have occurred, but clarifies that such requests are not due within 30 days of Decision No. C25-0587-I, and projects are not limited to one request.¹³

V. DISCUSSION

16. We grant the Company's RRR, with modifications, and grant CIEA's RRR. Consistent with our statement in the Decision Initiating Stage 2 Process, we agree that flexibility is necessary as we implement this novel price relief mechanism. Starting with requests to clarify the deadline by which developers must submit requests for price relief to the IA, Public Service and CIEA seem to agree that the 30-day deadline is impractical. Consistent with our desire to

¹² CIEA's Corrected RRR, pp. 8-9.

¹³ CIEA's Corrected RRR, p. 9.

enhance flexibility, we agree with Public Service and CIEA that the deadline should be no later than December 31, 2025, or 18 months prior to the project's COD, whichever is later. As contemplated in the CEP Delivery Decision, projects may still petition for an extension of this deadline as necessary.

17. Eliminating the 30-day deadline helps ensure that bidders can present accurate and timely information to the IA substantiating their need for Stage 2 price relief. Given the significant uncertainty surrounding federal policy such as tariffs, requiring all projects to submit documentation 30 days after the Decision Initiating Stage 2 Process would likely lead to inaccurate submissions and further delays.

18. Granting CIEA's RRR on this issue improves flexibility and increases the probability that the important renewable energy projects selected in the 2021 ERP/CEP can move forward in the face of rising cost pressures and federal policy uncertainty. Clarifying the deadlines in the Stage 2 Process consistent with the CIEA's RRR reflects the Commission's commitment to prioritizing the rapid deployment of affordable clean energy.

19. We similarly agree with CIEA's request to allow developers to present multiple Stage 2 price relief requests, provided that all such requests must be submitted timely and the total amount cannot exceed the 15 percent cap set forth in the CEP Delivery Decision. Allowing developers to submit price requests on a rolling basis may help developers obtain more timely confirmation about price relief as opposed to requiring developers to wait until they can submit one comprehensive request.

20. To implement this approach, we adopt CIEA's suggestion of quarterly filings. Public Service will make quarterly aggregated filings for any and all price relief requests that the

IA has vetted that quarter.¹⁴ Such filings will trigger the review process and ultimately a Commission decision on whether to approve the requested price increases consistent with the CEP Delivery Decision.¹⁵

21. In sum, the Commission adopts the proposed language set forth in CIEA's Corrected RRR,¹⁶ clarifying when bidders must submit their requests for relief to the IA and acknowledging that bidders may submit more than one request for price relief, provided the requests are timely and do not exceed the 15 percent cap as set forth in the CEP Delivery Decision.

VI. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C25-0587-I ("RRR") filed on August 28, 2025, by Public Service Company of Colorado is granted, with modifications.

2. The Corrected RRR filed on September 10, 2025, by the Colorado Independent Energy Association is granted, consistent with the discussion above.

3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

¹⁴ As contemplated in the CEP Delivery Decision, the IA may also submit its verification materials directly to the Commission. For those quarters in which the IA has not completed its verification of price relief requests, the Company and IA are not required to submit any filing to the Commission.

¹⁵ CEP Delivery Decision, ¶ 75.

¹⁶ CIEA's Corrected RRR, p. 9.

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

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 10, 2025, and September 17, 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

Commissioners

Rebecca E. White,
Director

COMMISSIONER TOM PLANT
ABSENT, September 10, 2025