

Decision No. C25-0740

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0585E

IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR APPROVAL OF ITS 2023 ELECTRIC RESOURCE PLAN.

**COMMISSION DECISION GRANTING, IN PART,
APPLICATION FOR REHEARING, REARGUMENT, OR
RECONSIDERATION OF DECISION NO. C25-0612**

Issued Date: October 9, 2025

Adopted Date: October 1, 2025

I. BY THE COMMISSION

A. Statement

1. On April 11, 2025, Tri-State Generation and Transmission Association, Inc. (“Tri-State”) filed its Electric Resource Plan (“ERP”) Implementation Report in Phase II of this ERP proceeding in accordance with the Commission’s ERP Rules set forth in 4 *Code of Colorado Regulations* 723-3-3600 *et seq.*, and specifically Rule 3605. The ERP Implementation Report summarizes the bid evaluation and selection resulting from Tri-State’s competitive solicitations for new utility resources pursuant to the Commission’s Phase I decision in this same ERP proceeding.

2. By Decision No. C25-0612 (“Phase II Decision”), issued on August 26, 2025, the Commission established Tri-State’s Preferred Portfolio as a cost-effective resource plan, concluding that the Preferred Portfolio includes clean energy resources that can be acquired at a reasonable cost and rate impact and with appropriate consideration to: Best Value Employment

Metrics; issues of energy security, economic prosperity, and environmental protection; and the energy policy goals of the State of Colorado. Tri-State's Preferred Portfolio of selected resources adds 700 MW of wind and solar generation, 650 MW of storage, and 307 MW of gas generation between 2026 and 2031.

3. On September 15, 2025, Western Resource Advocates, Sierra Club, and the Natural Resources Defense Council ("Joint Applicants") filed an Application for Rehearing, Reargument, or Reconsideration of the Phase II Decision ("RRR Application").

4. By this Decision, we grant, in part, the RRR Application, consistent with the discussion below

B. Discussion

1. Phase II Decision

5. Paragraphs 90 through 97 of the Phase II Decision set forth the principal findings and conclusions addressing the Commission's establishment of Tri-State's Preferred Portfolio as a cost-effective resource plan.

6. The RRR Application specifically targets Paragraph 90 of the Phase II Decision that states:

We approve Tri-State's selection of the Preferred Portfolio as the cost-effective resource plan even though there are elements of Portfolio 4, we do not prefer when compared to Portfolio 6. The Commission's role in Phase II of this ERP is to ensure that Tri-State respects the stakeholders in this process, considers and responds to their requests, and presents a preferred plan that is reasonably supported by the evidence in the record. The Commission should not substitute its judgement for Tri-State's when the selection of its preferred plan could be deemed reasonable and an alternative could also be deemed reasonable based on the same record. The corollary to that orientation is that Tri-State takes responsibility for the risks it and its cooperative members assume by pursuing its preferred plan.

7. In Paragraphs 91 through 97 of the Phase II Decision, the Commission goes on to explain that it is persuaded that the Preferred Portfolio is an economic selection based on the presentation Tri-State makes in the ERP Implementation Report but that this is a nuanced conclusion, because the Phase II record is not as “clear” as Tri-State concludes in its ERP Implementation Report. The Commission addresses the siting of the natural gas plant in Moffat County within the Preferred Portfolio and highlights the level of renewables in the Preferred Plan, encouraging Tri-State to secure those projects expeditiously and specifically noting that the Preferred Portfolio complies with Colorado’s emission reduction targets. Finally, the Commission summarizes that Tri-State has adequately considered statutory requirements for §§ 40-2-123, 40-2-124, and 40-2-134, C.R.S., set forth in Rule 3605, including environmental and social factors and insulation from fuel price increases through the focused competitive bid process and the selection of a renewable resource. The Commission concludes that the Preferred Portfolio supports the energy policy goals of Colorado in putting Tri-State on the path to achieve 80 percent reduction of GHG emissions by 2030.

2. Application for Rehearing, Reargument, or Reconsideration

8. The RRR Application states that the Joint Applicants “do not contest the Commission’s approval of Tri-State’s Preferred Portfolio.” Instead, they ask the Commission to reconsider the language of Paragraph 90 of the Phase II Decision and “either strike that paragraph from the Phase II Decision or clarify that the Commission has not created a new standard for approval for this or any future ERP.”

9. The Joint Applicants argue that this language announces a “new standard of review” without citing any supporting legal authority. They argue that there is no statute, Commission rule, or previous Commission decision that “contains” this new standard of review

articulated in Paragraph 90. They further argue that the new standard of review “deviates from the clear factors and Phase II decision contents outlined in Rules 3605 and 3613.” They also state that Paragraph 90 likewise conflicts with Paragraphs 5 through 8 of the Phase II Decision that recites the Commission’s ERP rules that apply to Tri-State.

10. In support of their request to strike Paragraph 90, the Joint Applicants argue that Paragraph 90 “risks creating confusion” and is “improper” as it reflects a modification to the Commission’s ERP Rules for Tri-State without prior notice.

11. If the Commission elects not to strike Paragraph 90, the Joint Applicants ask the Commission to clarify the following: (1) Rule 3605(h) still provides the applicable standard for a Phase II Decision, and (2) Paragraph 90 of the Phase II Decision does not represent a new standard of approval.

C. Discussion, Findings, and Conclusions

12. We find it unnecessary for the Commission to strike Paragraph 90 from the Phase II Decision. Instead, we find good cause to grant the alternative request for relief put forward in the RRR Application and confirm that Rule 3605(h) is the standard applied by the Commission when it rendered the Phase II Decision.

13. Paragraph 90 does not represent a new standard of approval. Rather, Paragraph 90 explains how the Commission has exercised its discretion when applying the standard set forth in Rule 3605(h), consistent with the requirement in Senate Bill 19-236 that directed the Commission to promulgate Rule 3605. As stated in the Notice of Proposed Rulemaking that resulted in the ERP Rules applicable to Tri-State: “the Commission must consider, among other factors determined by the Commission, whether Tri-State: serves a multistate operational jurisdiction; has a not-for-profit

ownership structure; and has a resource plan that meets the energy policy goals of Colorado.”¹ Paragraph 90 of the Phase II Decision thus explains those considerations as the Commission applied Rule 3605(h).

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C25-0612 filed jointly by Western Resource Advocates, Sierra Club, and the Natural Resources Defense Council on September 15, 2025, is granted, in part, consistent with the discussion above.

2. This Decision is effective upon its Issued Date.

a. **ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
October 1, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners

¹ Decision No. C19-065, issued July 13, 2019, Proceeding No. 19R-0408E, ¶ 8, p. 4.