

Decision No. C25-0771

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0663G

IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO GAS, INC. FOR APPROVAL OF ITS 2024-2028 CLEAN HEAT PLAN.

**COMMISSION DECISION DENYING MOTION FOR A
PREHEARING CONFERENCE**

Issued Date: October 27, 2025

Adopted Date: October 22, 2025

I. BY THE COMMISSION

A. Statement

1. This Proceeding addresses the Application of Black Hills Colorado Gas, Inc. (“Black Hills” or the “Company”) for Approval of its 2024-2028 Clean Heat Plan.

2. By this Decision, we vacate the previously scheduled evidentiary hearing only on October 29, 2025. The Commission also grants in part, consistent with the discussion below, the Motion to Approve Second Settlement Agreement and to Modify Procedural Scheduled filed by Black Hills on October 14, 2025 (“Motion”).

B. Background

3. Black Hills filed its inaugural Clean Heat Plan application pursuant to § 40-3.2-108, C.R.S. (the “Clean Heat Statute”) and Rules 4725 to 4733 of the Commission’s Rules Regulating Gas Utilities, 4 *Colorado Code of Regulations* 723-4 on December 29, 2023.

4. On March 7, 2024, the Commission referred the Proceeding to the above-mentioned ALJ through Decision No. C24-0148-I, and the following entities became parties: the Colorado

Public Utilities Commission Trial Staff (“Staff”), CEO, SWEEP, and the Colorado Utility Advocate (“UCA”).

5. On August 16, 2024, Black Hills filed a Motion to Approve the Settlement Agreement. Along with Black Hills, Staff, UCA, and CEO (collectively the “Settling Parties”) joined the Settlement Agreement. SWEEP did not join the Settlement. On October 29, 2024, the ALJ issued Decision No. R24-0784 (the “Recommended Decision”). The Recommended Decision approves the Settlement Agreement in full.

6. On November 18, 2024, SWEEP filed exceptions to the Recommended Decision. The Commission addressed SWEEP’s Exceptions through Decision No. C25-0091, issued on February 12, 2025. Through Decision No. C25-0091, the Commission modified the Settlement Agreement approved in the Recommended Decision in two primary ways. First, the Commission limited the use of the demand-side management (“DSM”) budget only to weatherization and envelope measures. Second, the Commission ordered that any remaining DSM budget resulting from the measure limitations shall be utilized to expand the Company’s beneficial electrification (“BE”) offerings beyond the Rocky Fords pilot.

7. On March 4, 2025, Black Hills filed its application seeking rehearing, reargument, or reconsideration (“RRR Application”) of Decision No. C25-0091, which the Commission issued on February 12, 2025. Black Hills requested that the Commission reconsider its modifications to the Settlement Agreement made in the Exceptions Decision and requests the Commission approve the Settlement without modification. Black Hills requested the Commission “should provide for additional process in this proceeding to evaluate other modifications to the Settlement to fairly rebalance the outcome given the changes to the CHP”¹ if the Commission did not revert to the

¹ Black Hills RRR, pp. 25-26.

unmodified Settlement Agreement. In its RRR Application, Black Hills stated it no longer supports the overall elements of the Settlement and reverts its support back to the Company's rebuttal position.

8. The Commission deliberated on the merits of the RRR applications at the March 26, 2025 and April 2, 2025 Commissioners' Weekly Meetings (CWM") and issued Decision No. C25-0262 which denied Black Hills' request to reinstate the Settlement Agreement, found that additional process in the Proceeding was necessary, and scheduled a pre-hearing conference for April 10, 2025. In the Commission's RRR Decision, the Commission found that the unmodified Settlement Agreement is not in the public interest and thus additional process in this Proceeding was necessary to complete the adjudication of the Company's CHP Application.

9. By Decision No. C25-0387, the Commission established a procedural schedule for the remainder of this Proceeding, including a three-day fully remote *en banc* evidentiary hearing for the days of October 27-29, 2025.

10. On October 14, 2025, Black Hills filed a second settlement agreement on behalf of Staff, UCA, CEO, and the Company. SWEEP did not join the second settlement. Black Hills also filed a motion to approve the second settlement agreement and to modify the procedural schedule in two ways: (1) schedule the due date for the filing of Settlement Testimony to occur on October 17, 2025; and (2) the due date for the filing of Cross-Matrix/Witness List be modified to occur on October 20, 2025.

11. On October 17, 2025, SWEEP, Staff, and the Company each filed settlement testimony.

12. On October 20, 2025, the Company filed a cross-examination matrix for the October 27-29, 2025 evidentiary hearing which indicated that the parties expect 4.25 hours of

scheduled cross examination, not accounting for commissioner questions and redirect examination.

C. Discussion, Findings, and Conclusions

13. The Commission grants the Motion to set a deadline for settlement testimony of October 17, 2025, *nunc pro tunc*. All settlement testimony filed on October 17, 2025, is thus included on the prefiled evidentiary matrix sent to parties prior to the evidentiary hearing.

14. In light of the cross-examination matrix filed on October 20, 2025, the Commission finds good cause to vacate the last date of hearing scheduled by Decision No. C25-0387. The evidentiary hearing in this Proceeding shall begin on October 27, 2025, and conclude when finished, but no later than October 28, 2025.

15. The Commission will address the request to grant the second settlement motion found in the Motion at a later date.

II. ORDER

A. The Commission Orders That:

1. The Motion filed by Black Hills Colorado Gas, Inc. on October 14, 2025, is granted in part, consistent with the discussion above.

2. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 22, 2025.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

TOM PLANT

Commissioners

Rebecca E. White,
Director

COMMISSIONER MEGAN M. GILMAN
ABSENT