

Decision No. C25-0787-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0354E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO CONCERNING AN APPEAL OF A LOCAL GOVERNMENTAL LAND USE DECISION ISSUED BY ELBERT COUNTY.

**INTERIM COMMISSION DECISION
ESTABLISHING PROCEDURAL SCHEDULE,
SCHEDULING EVIDENTIARY HEARING, ADOPTING
PROCEDURES FOR EXHIBITS, ADDRESSING
DISCOVERY PROVISIONS, AND SCHEDULING PUBLIC
COMMENT HEARING**

Issued Date: October 30, 2025

Adopted Date: October 29, 2025

I. BY THE COMMISSION

A. Statement

1. This Proceeding addresses the Verified Application for Appeal of Elbert County's Denial of Requisite Siting Permits ("Application") filed by Public Service Company of Colorado ("Public Service" or the "Company") on August 26, 2025. Through the Application, Public Service requests the Commission issue an order authorizing the Company to begin construction of Segment 5 of its Colorado Power Pathway Transmission Project ("Pathway Project")¹ along the proposed route for the project within Elbert County, Colorado (the County"). Public Service states the Application arises out of the County's denial of two land use applications that Public Service submitted to the County for approval of 48 miles of the Pathway Project located in the County.

¹ The Commission granted Public Service's application for a certificate of public convenience and necessity for the Pathway Project in Proceeding No. 21A-0096E by Decision No. C22-0270, issued June 2, 2022.

2. Through this Decision, the Commission establishes a procedural schedule including an *en banc* remote evidentiary hearing for the days of February 19-20, 2026.

3. In Attachment A to this Decision, the Commission provides instruction for how the remote evidentiary hearing will be conducted using the Zoom platform. Relatedly, in Attachment B to this Decision, the Commission sets forth procedures for the electronic submission of exhibits.

4. The Commission also schedules an in-person public comment hearing in Kiowa, Colorado, which is located in Elbert County, for December 9, 2025, from 5:00 to 7:00 p.m.

5. Finally, we order Public Service to file a proposal, no later than November 3, 2025, regarding how it proposes to notice the public comment hearing pursuant to Rule 3705(g), 4 *Code of Colorado Regulations* (“CCR”) 723-3.

B. Procedural Background

6. On August 26, 2025, Public Service initiated this matter by filing the Application with written testimony and exhibits. The Application appeals the County’s denial of two land use applications to the Commission, under § 29-20-108(5), C.R.S. Concurrent with its Application, Public Service filed a Motion for Expedited Treatment, Shortened Notice and Intervention Period, Commission Hearing *En Banc*, and an Expedited Decision (“Procedural Motion”).

7. On September 2, 2025, the County filed a motion to intervene as of right, pursuant to Rule 3705(c) of the Rules Regulating Electric Utilities, 4 CCR 723-3.

8. On September 4, 2025, by Decision No. C25-0645-I, the Commission granted, in part, and denied, in part, the request in the Procedural Motion pertaining to setting a shortened notice and intervention period and set response time to the remaining requests through the end of the established 20-day notice and intervention period. The Commission served the decision on

counsel for the County and Public Service. In addition, it issued a Notice of Application Filed providing public notice of the Application and setting a 20-day intervention period.

9. Through Decision No. C25-0733-I, the Commission set the matter for hearing and deemed the Application complete. It also established the following parties to this Proceeding: the County; Trial Staff of the Commission; the Colorado Energy Office; the Colorado Solar and Storage Association; and Bar E Ranch Land Holdings, LLC. The Commission ordered the parties to confer on a procedural schedule and file a proposed schedule no later than October 17, 2025.

10. On October 13, 2025, in accordance with Decision No. C25-0733-I, the County filed a Notice of its Preferred Site for the public comment hearing.

11. On October 15, 2025, the Company filed a consensus procedural schedule on behalf of the parties (“Proposed Procedural Schedule”).

12. On October 22, 2025, the Commission held a prehearing conference at which it heard from parties regarding the proposed schedule and the scheduling, location, and noticing of the public comment hearing.

C. Discussion, Findings, and Conclusions

1. Procedural Schedule

13. We find the Proposed Procedural Schedule submitted by the parties sets forth a reasonable schedule and should be adopted. Accordingly, we establish the following procedural schedule for this matter, which reflects the proposed schedule along with the public comment hearing scheduled by this Decision:

Deadline/Action	Date
Answer Testimony	December 5, 2025
Public Comment Hearing	December 9, 2025
Rebuttal & Cross-Answer Testimony	January 16, 2026
Stipulations and Settlement Agreements	February 6, 2026
Prehearing Motions	February 6, 2026
Settlement Testimony	February 13, 2026
Responses to Prehearing Motions	February 13, 2026
Corrections to Pre-Filed Testimony and Exhibits	February 13, 2026
Cross Examination Matrix	February 13, 2026
Remote <i>En Banc</i> Evidentiary Hearing	February 19-20, 2026
Statements of Position	March 12, 2026
Requested Decision	April 17, 2026

14. As discussed at the October 22, 2025 prehearing conference, the discovery procedures outlined in Rule 1405 of the Rules of Practice and Procedure, 4 CCR 723-3, shall apply to the conduct of discovery, without modification.

15. Also as discussed at the October 22, 2025 prehearing conference, the Company agrees to work with the County to ensure that a transcript of the County hearings referenced by the County at the prehearing conference is entered into the record prior to the filing of answer testimony in this Proceeding.

16. The Commission schedules a fully remote *en banc* evidentiary hearing for the days of February 19-20, 2026, using the video-conference Zoom platform. To minimize the potential

that the remote hearing may be disrupted by non-participants, Commission staff will distribute the link and meeting ID to attend the hearing to the parties by email approximately one week before the hearing, and the parties and witnesses are prohibited from distributing that information to anyone not participating in the hearing.

17. Attachment A to this Decision provides the information addressing how to use the Zoom platform to participate in the evidentiary hearing. Attachment B provides instructions governing the preparation and presentation of electronic exhibits at the hearing. Parties are directed to review and follow all requirements in this Decision and Attachments A and B.

18. The party initiating the proceeding is assigned hearing exhibit numbers 100 to 199.

19. Each intervening person is assigned a block of 100 hearing exhibit numbers (*e.g.*, 300-399, 400-499, etc.) in the chronological order that notices of intervention by right and petitions for permissive intervention are filed, as reflected in the Commission's E-Filings System. Parties shall rely upon the Commission's E-Filings system to determine sequencing of requests for intervention (*i.e.*, without regard to whether or when the interventions were granted). To determine the sequencing and avoid duplicative use of blocks, parties are encouraged to confer as needed.

2. Public Comment Hearing

20. Pursuant to Rule 3704 of the Rules Regulating Electric Utilities, 4 CCR 723-3, the public comment hearing in this Proceeding is to be held at a location specified by the County. Pursuant to Rule 3705(d), ten days before the prehearing conference, the County must provide the parties and Commission information on its preferred location for the public comment hearing. On October 13, 2025, the County informed the Commission that the preferred location for the public comment hearing is the Agriculture Building at the Elbert County Fairgrounds located in Kiowa, Colorado. At the prehearing conference, the County indicated its preference to hold an

afternoon hearing with an approximate two-hour duration for public comment. Commission staff worked with the County to find a suitable available date and the same was discussed at the prehearing conference on October 22, 2025.

21. The Commission finds good cause to schedule a public comment hearing in this Proceeding as required by § 29-20-108(5)(b), C.R.S. We will conduct an in-person public comment hearing in Kiowa, Colorado, on December 9, 2025, from 5:00 to 7:00 p.m., at the Agriculture Building at the Elbert County Fairgrounds, 95 Ute Avenue, Kiowa CO 80112.

22. A court reporter will transcribe the hearing to create a written record of the comments received. Commenters should give their full name, and spell it, before providing their comments. In general, commenters will be called upon in the order in which they request to speak. The presiding officer may adopt procedures and time limits for comments as necessary to ensure all members of the public have opportunity to comment, and the transcribed record is clear. A typical time limit is three minutes. To ensure the hearing time is used efficiently, commenters are requested to avoid comments that re-state filed written comments or repeat oral comments already made. As discussed below, written public comment can be filed at any time and will be afforded the same weight as oral comments. Finally, the purpose of a public comment hearing is to provide opportunity for members of the public to provide oral comments. To that end, parties to the Proceeding and their representatives are not permitted to present comments. Individuals may present comments on their own behalf.

23. Speaking at the public comment hearing is not the only way that interested persons can provide comment. Written or oral public comments can be provided by members of the public at any time using the methods outlined below. Please include “Proceeding No. 25A-0354E” to refer to this case.

- Submitting written comments through the Commission’s E-Filing System at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>
- Submitting written comments using the Commission’s online form or through email at: dora_puc_website@state.co.us. These comments will be posted in E-Filings for this Proceeding
- Mailing comments to the Commission’s offices at: Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, CO 80202
- Calling (303) 869-3490 to leave oral comments (available in English and Spanish)

24. Finally, the Commission can provide services for foreign language speakers and persons with disabilities upon receipt of a reasonable accommodation request. Requests should be made at least one week prior to the event by completing the Language Access Request Form, available at: <https://puc.colorado.gov/webcasts>.

25. Pursuant to Rule 3705(g), the utility shall give notice of the public hearing to the identified individuals and groups in a manner specified by the Commission. While the Company’s notice proposal was preliminarily discussed at the prehearing conference, the Commission requests the Company file a consensus report regarding its notice proposal no later than November 3, 2025. The Commission will prescribe the required notice processes pursuant to Rule 3705(g) by a future decision. In addition, the Commission will publicize the hearing by press release, its public calendar, and other avenues to the extent resources are available.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule found in the Notice of Party Conferral Positions on a Consensus Procedural Schedule Filing made by Public Service Company of Colorado (“Public Service”) on October 15, 2025, is adopted, consistent with the discussion above.

2. A remote *en banc* evidentiary hearing is scheduled as follows:

DATE: February 19-20, 2026

TIME: 9:00 a.m. until 5:00 p.m.

WEBCAST: Commission Hearing Room A

METHOD: Join by videoconference using Zoom at the link to be provided to parties by email from Commission Administrative Staff.

3. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

4. Rules 1405(b) and (d), 4 *Code of Colorado Regulations* (“CCR”) 723-1, governing discovery procedures, shall apply without modification in this Proceeding.

5. A public comment hearing is scheduled as follows:

DATE: December 9, 2025

TIME: 5:00 p.m. to 7:00 p.m.

LOCATION: Agriculture Building
Elbert County Fairgrounds
95 Ute Avenue, Kiowa CO 80112

6. Public Service shall file its notice proposal pursuant to Rule 3705(g), 4 CCR 723-3, as well as any results of conferral no later than November 3, 2025.

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

B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING October 29, 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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MEGAN M. GILMAN

TOM PLANT

Commissioners