

Decision No. R25-0296-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0036E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS TARIFF ON-BILL FINANCING PROGRAM.

**INTERIM DECISION ESTABLISHING
PROCEDURAL SCHEDULE, SCHEDULING REMOTE
EVIDENTIARY HEARING, AND ESTABLISHING
PROCEDURES FOR EVIDENTIARY HEARING;
PERMITTING EXTENDED RESPONSE TO MOTION; AND
REQUIRING CONFERRAL FILING**

Issued Date: April 17, 2025

I. BY THE COMMISSION

A. Statement

1. On January 6, 2025, Public Service Company of Colorado (“Public Service” or the “Company”) filed a Verified Application for Approval of its Tariff On-Bill Financing Program (“Application”).

2. By Decision No. C25-0195-I, the Commission, among other things, set this matter for hearing and referred the Proceeding to the undersigned Hearing Commissioner.

3. Through this Decision, the Hearing Commissioner adopts, with modifications, the procedural schedule proposed in the Notice of Procedural Schedule Conferral Report (“Notice”) filed on April 4, 2025, schedules a two-day evidentiary hearing, and establishes procedures for the evidentiary hearing.

4. However, and given the April 11, 2025, Motion requesting further extensions of the schedule upon a finding of extraordinary circumstances pursuant to § 40-6-109.5(4), C.R.S. (“Extension Motion”) filed by Trial Staff of the Colorado Public Utilities Commission (“Staff”) identifying, among other timing concerns, the uncertainty of potential impacts due to House Bill (“HB”) 25-1268 the Hearing Commissioner also permits responses to the Extension Motion through May 8, 2025, and requires Public Service to again confer with parties and confirm whether the current schedule or some other action is preferred by May 8, 2025. This timing allows parties, including the Company, to provide any potential timing or impacts anticipated by legislation ultimately adopted by the Colorado legislative session, which concludes May 7, 2025.

B. Procedural Schedule

5. In the Notice, Public Service explains it conferred with the parties and proposes the below procedural schedule:

Deadline/Action	Date
Supplemental Direct Testimony	April 2, 2025
Answer Testimony	May 29, 2025
Rebuttal & Cross-Answer Testimony	June 20, 2025
Virtual Public Comment Hearing	June 24, 2025
Stipulations/Settlement Agreements	June 25, 2025
Pre-Hearing Motions	June 26, 2025
Settlement Testimony	July 2, 2025
Corrections to Pre-Filed Testimony & Exhibits	July 2, 2025
Cross matrix and Witness Order	July 2, 2025
Two-Day Hearing Commencement	July 10, 2025
Statements of Position	July 31, 2025

Public Service states in the Notice that the proposed procedural schedule is unopposed.

6. Public Service’s proposed procedural schedule is consistent with the guidance and directives in Decision No. R25-0220-I and the Hearing Commissioner adopts the procedural schedule with one minor modification. On June 24, 2025, the date proposed for the virtual public

comment hearing, the Commission will be sitting *en banc* for a hearing in Proceeding No. 24A-0442E (Public Service’s Just Transition Solicitation Plan proceeding). As such, the Hearing Commissioner declines to adopt a specific date for a public comment hearing at this time and will do so by separate decision.

7. The procedural schedule for this Proceeding shall be as follows:

Deadline/Action	Date
Supplemental Direct Testimony	April 2, 2025
Answer Testimony	May 29, 2025
Rebuttal & Cross-Answer Testimony	June 20, 2025
Stipulations/Settlement Agreements	June 25, 2025
Pre-Hearing Motions	June 26, 2025
Settlement Testimony	July 2, 2025
Corrections to Pre-Filed Testimony & Exhibits	July 2, 2025
Cross matrix and Witness Order	July 2, 2025
Two-Day Hearing	July 10-11, 2025
Statements of Position	July 31, 2025

8. The discovery procedures contained in Commission Rule 1405, 4 *Code of Colorado Regulations* (“CCR”) 723-1 shall govern this proceeding.

9. The evidentiary hearing scheduled for this Proceeding will be conducted using the 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, or access code, 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.

10. Attachment A to this Decision provides the information addressing how to use the Zoom platform for participating in the remote evidentiary hearing scheduled in this Proceeding. Attachment B provides detailed instructions governing the preparation and presentation of exhibits

at hearing. The parties shall review and follow all requirements in this Decision and Attachments A and B, which are incorporated into and made part of this Decision.

11. Hearing exhibits shall be marked numerically and sequentially for identification by the filing parties within their respective blocks of numbers. In order to efficiently organize the numbering and preparation of exhibits for the hearing, all parties shall use a unified numbering system for all hearing exhibits. Parties should not duplicate hearing exhibits or attachments previously filed by another party.

12. The party initiating the proceeding is assigned hearing exhibit numbers 100 to 299.

13. Each intervening person or entity 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. As a result, the first person or entity noticing an intervention by right or requesting permissive intervention is assigned hearing exhibit numbers from 300 to 399, the second person or entity is assigned hearing exhibit numbers from 400 to 499, etc. 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

14. To minimize the potential that the video-conference part of the hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing

C. Response Extension and Further Conferral

15. Despite agreeing to the consensus schedule addressed above, through its Extension Motion, Staff argues that ongoing state legislative actions, significant workload, and pending contracting warrant a finding of extraordinary circumstances pursuant to § 40-6-109.5, C.R.S., such that the schedule can be extended by 60 days. The Extension Motion is opposed, and responses are expected in the coming weeks. The procedural schedule addressed by this Decision, which meets current statutory timelines, is adopted with the understanding that responses will be considered and further action taken, including a hearing, if necessary to consider Staff's request further.

16. While this Decision does not address the substance of Staff's request, Staff's arguments include that HB 25-1268 is currently being considered by the Colorado General Assembly. Staff notes that while the Bill is not yet final or adopted, current language would require the Colorado Energy Office ("CEO") to establish a state utility on-bill repayment program for energy efficiency upgrades through a loan from the Colorado unclaimed property trust fund. While agencies are not inclined to make determinations based on future, potential legislation, it is of note that CEO is also one of the parties Staff represents opposing the Extension Motion. As Staff rightly notes, no party can predict HB 25-1268's final language based on current form. Current responses to the Extension Motion are due April 25, 2025; however, legislative session concludes May 7, 2025. In order for CEO and others to respond with knowledge of final language, if any, on HB 25-1268, response to the Extension Motion is therefore permitted through May 8, 2025. Parties may, as always, file earlier than this deadline, but this permitted extension will enable inclusion of any final Bill language considerations to the extent a party finds relevant.

17. In addition, while all parties agreed to the consensus schedule adopted through this Decision, Staff's filing indicates that many parties take no position or do not oppose the extension, possibly due to the unknown final language of HB 25-1268. Therefore, and in order to understand if the parties, including specifically the Company, intend further actions¹ or ultimately would support extension given potential legislative changes unknown at this time, the Company shall confer with parties and provide an update on whether it and other parties continues to support the current consensus schedule adopted here or intends other actions or modifications. This filing shall also be provided May 8, 2025.

18. By this Decision, the consensus procedural schedule is therefore adopted assuming current statutory timelines apply, but response and conferral filings are requested or required by May 8, 2025, to understand party positions on whether final legislation adopted by the Colorado General Assembly regarding on-bill finance impact the potential timelines or expected filings.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule set forth in the Notice of Procedural Schedule Conferral Report, filed by Public Service Company of Colorado ("Public Service") on April 4, 2025, is adopted, with the modifications and additions set forth in the discussion above.

¹ For example, Staff indicates that the Bill language could require changes to the on-bill financing plan proposed, if not through this Proceeding, through subsequent consideration. Following conferral, the Company can explain how final bill language and timelines, if any are adopted in legislation, influence whether it plans to withdraw and refile an application, otherwise refile or supplement testimony, or take no action. In addition, or alternatively, the Company could indicate that it waives the statutory timelines such that an extended schedule can be accommodated without additional hearing and the extraordinary circumstances findings required in § 40-6-109.5, C.R.S.

2. A remote evidentiary hearing is scheduled in this Proceeding as follows:

DATE: July 10-11, 2025

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

PLACE: Join by video conference using Zoom

3. All participants must comply with the requirements in Attachments A and B to this Decision.

4. The parties and witnesses are required to participate in the evidentiary hearing by video conference using Zoom. The parties must ensure that they and their witnesses are ready and able to participate in the evidentiary hearing by video conference, including presenting evidence electronically during the hearing using Zoom.

5. The parties are responsible for sharing the Zoom link, meeting ID code, and passcode to witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing.

6. Response time to the Motion Requesting a Hearing and Finding of Extraordinary Conditions filed by Staff of the Colorado Public Utilities Commission on April 11, 2025, is extended through May 8, 2025.

7. The Company is required to confer and provide a filing by May 8, 2025, regarding what, if any, impact currently-pending legislation if finalized by the end of legislative session has on the timelines of this proceeding, consistent with the discussion above.

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

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

TOM PLANT

Hearing Commissioner

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Rebecca E. White'.

Rebecca E. White,
Director