

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0321E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE 400 MW FORT SAINT VRAIN 7 AND 8 PROJECT ASSOCIATED WITH PHASE II OF THE 2021 ERP & CEP IN PROCEEDING NO. 21A-0141E.

**INTERIM DECISION
GRANTING INTERVENTIONS; EXTENDING THE TIME
FOR A COMMISSION DECISION; AND ADOPTING
PROCEDURAL SCHEDULE**

Issued Date: September 29, 2026

I. STATEMENT

1. On July 28, 2025, Public Service Company of Colorado (“Public Service” or the “Company”) filed an application for a Certificate of Public Convenience and Necessity (“CPCN”) to construct, own, and operate the 400 megawatt Fort Saint Vrain 7 and 8 gas combustion turbine project, including an approximately 500-foot 230 kilovolt radial generation transmission tie line for each unit to the point of interconnection.

2. The Facilities represent one of the Company-owned generation resources included in the Company’s Preferred Portfolio in its 120-Day Report in Phase II of the Company’s 2021 Electric Resource Plan and Clean Energy Plan in Proceeding No. 21A-0141E.

3. On August 11, 2025, the Colorado Office of the Utility Consumer Advocate (“UCA”) filed an Intervention as of Right and Request for Hearing. The UCA lists a series of issues they wish to explore in this proceeding.

4. On August 28, 2025, Trial Staff of the Colorado Public Utilities Commission (“Staff”) filed an Intervention as of Right and Request for Hearing. Staff lists in its intervention some areas of inquiry it intends to examine.

5. On August 28, 2025, Western Resource Advocates (“WRA”) filed its Motion for Permissive Intervention. WRA states it is a regional non-profit advocacy organization that fights climate change and its impacts in order to sustain the environment, economy, and people of the West. WRA states it has an interest in decreasing emissions from electricity generation and decarbonizing the electricity grid throughout the Interior West in a manner that is beneficial to both ratepayers and the environment whenever possible. WRA has identified specific components of the Company’s filing that it believes directly impact its interest in protecting the environment through decarbonization of the electric sector.

6. On August 28, 2025, Climax Molybdenum Company (“Climax”) filed its Motion to Intervene Permissively. Climax states it operates the Climax and Henderson molybdenum mines and related facilities near Leadville and Empire, Colorado, and the cost and reliability of Public Service’s electric service are major factors in Climax’s ability to conduct its operations successfully. Climax has identified concerns with the application as it relates to the overall costs Public Service seeks to impose on ratepayers.

II. PARTIES TO THE PROCEEDING

A. Interventions of Right

7. Staff, CEO and the UCA filed timely notices of intervention by. In their filings, they outline several issues they plan to address in this Proceeding and request a hearing.

8. Pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1401(b) of the Commission’s Rules of Practice and Procedure, no decision is required in response to

appropriately filed notices of intervention by right. The notices of intervention of right are acknowledged. Staff, CEO and the UCA are parties to this Proceeding.

B. Permissive Interventions

9. The WRA and Climax filed a timely request for permissive intervention.

10. The WRA and Climax state that the above-captioned proceeding will have a substantial and tangible interest impact on their interests.

11. WRA states it has an interest in advocating for a Public Service generation mix that will ensure a rapid reduction in emissions which, in turn, can help to reduce emissions from the transportation and building sectors.

12. Climax states its electric service requirements are unique among Public Service's electric customers and the decision in this proceeding will have significant effects on electricity costs Public Service will seek to recover from Climax.

13. Two classes of parties may intervene in proceedings such as this: parties with a legally protected right that may be impacted by the proceeding (intervention of right), and parties with pecuniary or tangible interests that may be substantially impacted by the proceeding (permissive intervention).

14. In addition, per Rule 1401(e), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission's Rules of Practice and Procedure, Staff may intervene of right in any Commission proceeding. Any other person or entity wishing to intervene of right must identify the basis for the legally protected right that may be affected by the proceeding.

15. As relevant here, to permissively intervene, the party's intervention must: . . . state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific

interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. . . demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant's interests would not otherwise be adequately represented.

16. The person or entity seeking to intervene bears the burden of proof that it has met the intervention standards and should be permitted to intervene.

17. If a party does not file a response to a motion within the time prescribed for a response, the Commission may deem that failure as confessing the motion.

18. Public Service has not filed a response or objection to any of the requests to intervene. As such, the Administrative Law Judge (“ALJ”) construes the Intervention as unopposed. Based on this, the information provided in their collective requests to intervene, and the relevant legal standards, the ALJ grants the Interventions of WRA and Climax.

III. TIME TO ISSUE A FINAL COMMISSION DECISION

19. Under § 40-6-109.5(1), C.R.S., when a party files testimony with an application, the Commission must issue a final decision within 120 days after the application is deemed complete, unless the Commission finds that additional time is necessary, in which case, this deadline may be extended by an additional 130-days.¹ If the Commission does not make a determination that an application is complete within 15 days of the application’s notice period’s expiration, and otherwise does not find that the application is not complete or that more information is necessary, the application is automatically deemed complete.²

¹ § 40-6-109.5(1), C.R.S.

² Rule 1303(c)(IV), 4 CCR 723-1.

20. The Commission deemed the Application complete on September 3, 2025. Because the Company filed testimony with its Application, the Commission must issue a final decision within 120 days of January 2, 2026, unless the Commission finds that additional time is necessary.

21. This does not allow enough time for the parties to develop the record and to conduct discovery; to hold an evidentiary hearing; for a recommended decision to issue; for the parties to file exceptions; and for the Commission to address exceptions and issue a final decision. For these reasons, the ALJ finds that additional time is necessary, and therefore extends the statutory deadline for a final Commission decision by 130 days, as allowed by § 40-6-109.5(1), C.R.S.

IV. PROCEDURAL SCHEDULE FOR REMOTE HEARING

22. Through informal communications the Parties proposed the following procedural schedule:

Answer Testimony	December 10, 2025
Rebuttal/Cross Answer Testimony	January 23, 2026
Stipulations/Settlement Agreement	February 4, 2026
Prehearing Motions	February 4, 2026
Corrections	February 6, 2026
Matrix	February 6, 2026
Responses to Prehearing Motions	February 11, 2026
Hearing	February 12-13, 2026
Statements of Position	February 27, 2026

23. The proposed procedural schedule and discovery procedures are acceptable and shall be adopted.

24. The discovery procedures contained in Commission Rule 1405 shall govern this proceeding.

25. The hearing shall be held remotely.

V. REMOTE EVIDENTIARY HEARING

26. A hearing in the above-captioned proceeding shall be scheduled for February 12-13, 2026, at 9:00 a.m. as a remote hearing. At the remote hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this case.

27. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the remote hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic evidence presentations at the remote hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

28. 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.

A. Unified Numbering System for Hearing Exhibits

29. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of hybrid evidentiary hearing.

30. As such, it is essential that the parties ensure they are able to access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links

and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

31. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1, regardless of content, before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to the presenting them during the hearing.

32. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

33. To efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Public Service is assigned hearing exhibit numbers 100 to 299;
- UCA is assigned hearing exhibit numbers 300 to 399;
- Staff is assigned hearing exhibit numbers 400 to 499;
- WRA is assigned hearing exhibit numbers 500 to 599; and
- Climax is assigned hearing exhibit numbers 600 to 699.

VI. ORDER**It is Ordered That:**

1. Consistent with the above discussion, the deadline for a final Commission decision to issue in this Proceeding is extended by 130 days, per § 40-6-111, C.R.S.

2. The Colorado Public Utilities Commission Trial Staff and the Colorado Office of the Utility Consumer Advocate are acknowledged as parties as of right in this Proceeding.

3. Consistent with the above discussion, the motions of Western Resource Advocates and Climax Molybdenum Company seeking to permissively intervene in the above captioned proceeding are granted and they are parties to this proceeding.

4. The procedural schedule contained above is adopted.

5. A remote hearing is scheduled as follows:

DATE: February 12 & 13, 2026

TIME: 9:00 a.m.

PLACE: By video conference: using the Zoom web conferencing platform at a link to be provided to the participants by email.

6. The parties and witnesses may not distribute the Zoom link and access code to anyone not participating in the remote hearing.

7. All participants in the hearing must comply with the requirements in Attachments A and B to this Decision, which are incorporated herein and, in the discussion above.

8. All evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a) have access to all pre-filed exhibits; and (b) can download and view documents available from box.com during the hearing.

9. The Parties shall be held to the advisements in this Decision.

10. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director