

Decision No. C19-1023-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19R-0408E

IN THE MATTER OF PROPOSED RULES IMPLEMENTING SENATE BILL 19-236
REGARDING INTEGRATED OR ELECTRIC RESOURCE PLANS FOR WHOLESALE
ELECTRIC COOPERTIVES.

**INTERIM DECISION ADDRESSING
ADMINISTRATIVE NOTICE OF COMMENTS IN
PROCEEDING NO. 19R-0096E**

Mailed Date: December 19, 2019
Adopted Date: December 11, 2019

I. BY THE COMMISSION

A. Statement

1. This Decision takes administrative notice of specific comments filed or offered orally at hearing in Proceeding No. 19R-0096E, In The Matter of the Proposed Amendments to Rules Regulating Electric Utilities, 4 *Code Of Colorado Regulations* (CCR) 723-3, relating to Electric Resource Planning, the Renewable Energy Standard, Net Metering, Community Solar Gardens, Qualifying Facilities, and Interconnection Procedures and Standards.¹

B. Discussion

2. The Commission initiated this rulemaking proceeding by the Notice of Proposed Rulemaking (NOPR) in Decision No. C19-0651, issued July 31, 2019. The purpose of this NOPR is to amend the Commission's Rules Regulating Electric Utilities, 4 CCR 723-3 (Electric Rules) to fulfill the requirement in Senate Bill (SB) 19-236, codified at § 40-2-134, C.R.S. (Section 134), that requires the Commission to adopt rules that address application filings from

¹ Proceeding No. 19R0-0096E was initiated by a Notice of Proposed Rulemaking in Decision No. C19-0197, issued February 27, 2019.

wholesale electric cooperatives for Commission approval of their integrated or electric resource plans (ERPs).

3. As described in the NOPR, the proposed rules attached to Decision No. C19-0651 reflect the Commission's decade-long examination of the resource planning of Tri-State Generation and Transmission Association, Inc. (Tri-State) and the culmination of those efforts upon the enactment of Section 134.

4. The NOPR in this Proceeding follows the issuance of a NOPR in another rulemaking proceeding also addressing the Electric Rules. On February 27, 2019, the Commission issued a NOPR in Decision No. C19-0197 in Proceeding No. 19R-0096E to amend the Electric Rules in six areas: (1) the ERP Rules; (2) the Renewable Energy Standard (RES) Rules at 4 CCR 723-3-3650 *et seq.*; (3) the Net Metering Rules presently in 4 CCR 723-3-3664; (4) the rules governing Community Solar Gardens presently in 4 CCR 723-3-3665; (5) the provisions for utility purchases from Qualifying Facilities presently at 4 CCR 723-3-3900, *et seq.*; and (6) the Interconnections Standards and Procedures presently in 4 CCR 723-3-3667. A decision adopting revised Electric Rules is pending.

5. The NOPR that initiated this rulemaking proceeding in Decision No. C19-0651 included no revisions to the language in Rule 3605 of the ERP Rules addressing "Cooperative Electric Generation and Transmission Association Reporting Requirements." The NOPR explained that, in light of the ongoing rulemaking in Proceeding No. 19R-0096E, the proposed rules implementing SB 19-236 with respect to wholesale electric cooperatives such as Tri-State are developed primarily within Existing Rule 3605 contained within the Commission's ERP Rules. The NOPR further explained that certain provisions in the ERP Rules will also apply to Tri-State as contained in: Existing/Proposed Rule 3601. Overview and Purpose;

Existing/Proposed Rule 3602. Definitions; Proposed Rule 3612/Existing Rule 3614. Confidential Information Regarding Electric Generation Facilities; Proposed Rule 3613. Best Value Employment Metrics; Existing Rule 3618/Proposed Rule 3616. Annual Reports; and Existing Rule 3619/Proposed Rule 3617. Amendment of an Approved Electric Resource Plan. The NOPR further explained that, given the proposed amendment to Rule 3605 that would apply to Tri-State, the following ERP Rules would not apply to a wholesale electric cooperative such as Tri-State: Existing/Proposed Rule 3603. Electric Resource Plan Filing Requirements; Existing/Proposed Rule 3604. Contents of the Electric Resource Plan; Existing/Proposed Rule 3606. Electric Energy and Demand Forecasts; Existing/Proposed Rule 3607. Assessment of Existing Resources; Existing/Proposed Rule 3608 Transmission Resources; Existing/Proposed Rule 3609 Planning Reserve Margins and Contingency Plans; Existing/Proposed Rule 3610. Assessment of Need for Resources: Proposed Existing Rule 3615/Proposed Rule 3611. Exemptions and Exclusions; Proposed Rule 3614. Phase I; and Proposed Rule 3615. Phase II.

6. On October 7, 2019, the Commission issued Decision No. C19-0822-I in Proceeding No. 19R-0096E scheduling a hearing on October 29, 2019, proposing additional rule revisions, and soliciting comments addressing further revisions to the Electric Rules regarding the implementation of certain legislation enacted from the 2019 General Assembly, principally SB 19-236 (but not Section 134). The Commission also solicited comments addressing the policy goals of Governor Jared Polis set forth in the “Polis Administration’s Roadmap to 100% Renewable Energy by 2040 and Bold Climate Action” (Roadmap) as they relate to the Commission’s Electric Rules. The Commission further sought information from the Colorado Air Quality Control Commission (AQCC) within the Colorado Department of Public Health and Environment (CDPHE) regarding the AQCC’s promulgation of rules and regulations necessary

to ensure progress toward a 26 percent reduction in statewide greenhouse gas pollution by 2025, a 50 percent reduction by 2030, and a 90 percent reduction by 2050, relative to 2005 statewide levels, pursuant to House Bill (HB) 19-1261.

7. The Commission conducted a hearing in this matter on October 15, 2019.

8. The Commission later conducted a hearing in Proceeding No. 19R-0096 as scheduled by Decision No. C19-0822-I, on October 31, 2019.

C. Findings and Conclusions

9. We conclude that certain comments filed in Proceeding No. 19R-0096E or offered orally at the hearing on October 30, 2019 are relevant to our discussion and adoption of ERP Rules that will specifically apply to Tri-State.

10. Pursuant to Commission Rule 1501(c), the Commission administratively notices the following filings in Proceeding No. 19R-0096E :

- a) The comments filed by Tri-State on October 21, 2019;
- b) The supplemental comments filed by Public Service Company of Colorado on October 21, 2019;
- c) The comments filed by Sierra Club on October 21, 2019;
- d) The comments filed by the Colorado Department of Public Health and Environment on October 22, 2019; and
- e) The supplemental comments filed by the Colorado Energy Office on October 24, 2019.

11. Copies of the filed comments are available through the Commission's E-Filings System.

12. The Commission also administratively notices the comments offered orally at the hearing in Proceeding No. 19R-0096E on October 31, 2019, as transcribed.

II. ORDER

A. It Is Ordered That:

1. For purposes of this Proceeding, the Commission, pursuant to Rule 4 *Code of Colorado Regulations* 723-1-1501(c) takes administrative notice of the certain comments filed in Proceeding No. 19R-0096E or offered orally at the hearing in Proceeding No. 19R-0096E on October 31, 2019, as specifically described above.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 11, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners