

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21M-0061E

IN THE MATTER OF ESTABLISHING FILING DATES AND OTHER GUIDELINES FOR
CLEAN ENERGY PLANS SUBMITTED PURSUANT TO SECTION 40-2-125.5, C.R.S.

**COMMISSION DECISION CLOSING PROCEEDING AND
PERMITTING CLEAN ENERGY FILINGS ON OR AFTER
MARCH 31, 2021**

Mailed Date: March 15, 2021

Adopted Date: March 10, 2021

I. BY THE COMMISSION

A. Statement

1. Through its order opening this Proceeding, the Commission cited legislation enacted from the 2019 General Assembly requiring substantial reductions in greenhouse gas pollution in Colorado. Pursuant to House Bill (HB) 19-1261, as codified at §§ 25-7-102, 25-7-103, and 25-7-105, C.R.S., the Colorado Air Quality Control Commission (AQCC) within the Colorado Department of Public Health and Environment (CDPHE) must promulgate rules and regulations necessary to ensure progress toward statewide greenhouse gas pollution. Complementary provisions in Senate Bill (SB) 19-236, codified at § 40-2-125.5, C.R.S, address Clean Energy Plans (CEPs) filed before this Commission that require emissions caused by Colorado retail electricity sales to decrease.

2. Through this Decision, we now close this Proceeding after completing interagency conferral regarding statewide objectives in reducing greenhouse gas reductions. We appreciate the

willingness for the agencies to engage in this continued dialogue that allowed meaningful and accessible public discussion.

3. Continued robust engagement in Commission processes is encouraged, particularly as utilities provide CEP filings under SB 19-236. We also affirm our directive that CEPs may be filed, including the CEP expected from Public Service Company of Colorado (Public Service) in its next Electric Resource Plan (ERP), upon conclusion of this Proceeding as early as March 31, 2021.

B. Discussion

4. Given the statutory imperatives that require coordinated agency interactions, the Commission found it appropriate to further consult with state agencies prior to the filing of the CEPs.¹ Through its workshop scheduled in this Proceeding on February 23, 2021, the Commission invited representatives from the Governor's Office, Colorado Energy Office (CEO), and CDPHE, and provided structure to the interagency conferral defined in HB 19-1261 and SB 19-236. The discussion encompassed: (1) presentation of Governor Polis' Greenhouse Gas Pollution Reduction Roadmap provided to ensure progress toward the targets for reductions in statewide greenhouse gas pollution set forth in SB 19-1261;² (2) CEP concepts and participation by Colorado's electric utilities; and (3) general discussion regarding the anticipated Public Service's CEP filing.

5. Agency participants discussed the importance of developing scenarios to examine electrification of transportation and buildings, and the modeling and analysis demands of resource

¹ Section 25-7-105(1)(e)(VIII)(A), C.R.S., further requires the AQCC to consult with the Commission in carrying out its responsibilities including the promulgation of the greenhouse gas emission reduction rules on the cost of electricity, the reliability of electric service, technology developments in electricity production, and beneficial electrification.

² Press Release, "Gov. Polis Releases Colorado's Greenhouse Gas Pollution Reduction Roadmap," January 14, 2021, <https://www.colorado.gov/governor/news/3986-gov-polis-releases-colorados-greenhouse-gas-pollution-reduction-roadmap>.

needs, particularly given requirements of SB 19-236. Notably, CEO indicated its interests in advocating for sensitivity and load considerations that may further its interests in compliance with the overall statutory scheme of HB 19-1261 and SB 19-236. CDPHE provided its views on validation and clarification of opportunities for HB 19-1261 implementation, including both potential engagement and validation processes in Phase I and II of Public Service's CEP filing, but also implementation beyond the initial utility CEP proceeding.

6. The Commissioners explained that it will necessarily establish specific procedures, including without limitation participant status and verification filing timelines, in the proceedings in which they are filed pursuant to SB 19-236 and the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3 (Electric Rules) at 4 CCR 723-3-3600, *et seq.* (Electric Rules) in effect at the time of the filing.³ However, discussion by and among the respective agencies as directed under HB 19-1261 and SB 19-236 ensures meaningful insight into state goals regarding greenhouse gas reductions and related interests to be addressed in the upcoming proceedings.

7. Consistent with the Commission's stated interests in this Proceeding and the discussion with its sister agencies on February 23, 2021, we continue to expect robust CEP filings and continued stakeholder engagement regarding the state's greenhouse gas reduction goals. We look forward to this continued engagement, including in docketed proceedings, with state agencies, utilities, and stakeholders.

³ The Commission recognized that it would not have revised rules completed in Proceeding No. 19R-0096E by March 2021. *See*, Decision No. C21-0057, issued February 2, 2021, at ¶ 17. The Commission will address any potential changes to the Electric Rules in Proceeding No. 19R-0096E by separate decisions in that rulemaking proceeding.

8. The agencies have acknowledged that Public Service must file a CEP as its next Electric Resource Plan (ERP) pursuant to SB 19-236.⁴ Public Service informed the Commission in Proceeding No. 19V-0234E that it will be prepared to file its Clean Energy Plan at the end of March 2021.⁵ We see no reason to delay Public Service's filing beyond March 31, 2021, but emphasize that the public conferral provides meaningful insight into pressing concerns that we anticipate will be addressed as Public Service prepares its filing for review.

C. Conclusion

9. We find that the interagency discussion and conferral in this Proceeding is concluded such that CEP filings may be permitted. While this Proceeding is complete, future agency conferral will be ongoing, to the extent permitted, to gain efficiencies in meeting statutory objectives. We continue to encourage participation in Commission processes, including through any upcoming CEP proceedings.

10. CEP filings may be submitted for review upon conclusion of this Proceeding. Filings, and specifically the CEP that is required in Public Service's next ERP, may be provided as early as March 31, 2021.

II. ORDER

A. The Commission Orders That:

1. This Proceeding is closed, consistent with the discussion above.

⁴ Section 40-2-125.5(4)(a), C.R.S., states: "The first electric resource plan that a qualifying retail utility files with the commission after January 1, 2020, must include a clean energy plan that will achieve the clean energy target set forth in subsection (3)(a)(I) of this section..." In accordance with § 40-2-125.5(2)(c)(I), C.R.S., defines a qualifying retail utility as a retail utility serving more than 500,000 customers or "any other electric utility that opts in pursuant to subsection (3)(b)," which simply requires notification to the Commission.

⁵ Public Service Petition for Approval of a Variance to Extend the Filing of its Next Electric Resource Plan, filed May 7, 2019, Proceeding No. 19V-0234E.

2. Clean Energy Plan filings pursuant to Senate Bill 19-236, codified at § 40-2-125.5, C.R.S, are permitted upon conclusion of this Proceeding, and not earlier than March 31, 2021.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 10, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners