

Decision No. C22-0484-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0625EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2022–2025 RENEWABLE ENERGY COMPLIANCE PLAN.

**INTERIM COMMISSION DECISION GRANTING
MOTION FOR OPPORTUNITY TO RESPOND TO CSG
BID REPORT AND PROVIDING FOR SUPPLEMENTAL
REBUTTAL TESTIMONY**

Mailed Date: August 16, 2022

Adopted Date: August 10, 2022

I. BY THE COMMISSION

A. Statement

1. On July 29, 2022, we issued Decision No. C22-0445-I asking Public Service Company of Colorado (Public Service or Company) to file a Community Solar Gardens (CSG) bid report containing: (a) bid details from the Requests For Proposal (RFP) during the 2020-2021 RE Plan; and (b) a narrative explaining reasons behind any substantial increase in bid prices in the 2021 RFP.

2. On August 2, Colorado Solar and Storage Association and Solar Energy Industries Association (COSSA/SEIA) moved for the parties to have an opportunity to respond to the narrative included in the CSG bid report (Motion). The Motion also requests that the Commission confirm that parties can submit discovery on the report and that that we apply a five-business day turnaround on that discovery. It also asks that the Commission shorten response time to the Motion.

3. On August 8, 2022, Public Service responded to COSSA/SEIA's Motion. Public Service argues that the bid report will be rebuttal testimony and that therefore parties will have the opportunity to challenge the report through cross-examination during the upcoming evidentiary hearing. It argues that COSSA/SEIA has been and will be able to conduct discovery on the CSG bid information and present a response in a statement of position, and that the motion fails to state good cause for the additional process requested. Public Service does present an alternative: that if the Commission were inclined to grant the Motion, the Commission should permit the Company to file supplemental rebuttal testimony replying to the bid report responses. It also asks to conduct discovery on parties' responses with a (shortened) three-day response period.

B. Findings and Conclusions

4. Recognizing that it was after answer testimony had been filed that we ordered Public Service to file the CSG bid report, we view the relief requested in COSSA/SEIA's Motion as reasonable. Therefore, we will grant the Motion and waive any remaining response time. As we stated when we requested the bid report, and once again when ruling on this Motion, the purpose of the narrative in the report is to determine whether the Commission can improve its processes going forward. We agree that other parties to this proceeding may have information that would be helpful in that regard. And, given where we are in this proceeding, we agree with Public Service's proposal that it be allowed to conduct discovery on parties' responses with a shortened timeline, and that it may file supplemental rebuttal testimony addressing any responses to the bid report. Any supplemental rebuttal testimony must be filed by September 6 to give the Commission time to review prior to the evidentiary hearing.

5. We also remind the parties that we asked for the bid report in the hopes that the information “will better enable our consideration of whether and how to continue prior decision processes and policies going forward given actual outcome information.” We did not view the request as injecting a new and sizeable issue into this proceeding. And we will not look favorably on parties creating a substantial dispute over the narrative(s) relating to the CSG bid report.

II. ORDER

A. It Is Ordered That:

1. The Commission grants the Joint Motion for Opportunity to Respond to CSG Bid Report of Public Service Company of Colorado, Modified Discovery Procedures, and Shortened Response Time, filed by Colorado Solar and Storage Association and Solar Energy Industries Association (COSSA/SEIA), consistent with the discussion above.

2. Public Service Company of Colorado may file supplemental rebuttal testimony by September 6, 2022. It may conduct discovery on parties’ responses to the CSG bid report and responses to such discovery requests shall have a three-day response period.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 10, 2022.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners