

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22M-0005E

IN THE MATTER OF THE YEAR 2022 FILINGS BY COLORADO ELECTRIC UTILITIES IN ACCORDANCE WITH RULE 4 CCR 723-3-3206 FOR THE DESIGNATION OF ELECTRIC UTILITY TRANSMISSION FACILITIES WHETHER THE FACILITIES ARE IN THE NORMAL COURSE OF BUSINESS OR AN APPLICATION TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS REQUIRED.

COMMISSION DECISION DENYING APPLICATION FOR REHEARING REARGUMENT OR RECONSIDERATION

Mailed Date: September 14, 2022
Adopted Date: September 14, 2022

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) for consideration of an application for rehearing, reargument, or reconsideration (RRR) to Decision No. C22-0438, filed on August 2, 2022, by Public Service Company of Colorado (Public Service or the Company). Being fully advised in the matter and consistent with the discussion below, we will deny the RRR.

2. In its RRR, Public Service requests the Commission reconsider and reverse its order requiring the Company to obtain a certificate of public convenience and necessity (CPCN) or a formal determination that no CPCN is required for the “Project Bronco” transmission project.¹ The transmission component of Project Bronco consists of the extension of approximately three miles of Company-owned and operated 230 kV transmission line, along with dedicated

¹ “Project Bronco” is a confidential code name for the project.

transmission switching and customer metering equipment that will interconnect to a customer-owned substation. The ultimate outcome of the application would be a Commission determination that either the projects require a CPCN pursuant to Rule 3206(b); or a finding that the projects are in the ordinary course of business and no CPCN is required.

3. Rule 3206 (d) of the Colorado Public Utilities Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3, requires each Colorado electric utility to file with the Commission, no later than April 30 of each year, information on proposed new construction or extensions of transmission facilities for the next three calendar years (3206 Filing).

4. On April 29, 2022, in Proceeding No. 22M-0005E, Public Service submitted a 3206 Filing for two proposed projects on its electrical transmission system.

5. On July 15, 2022, Public Service amended its filings to remove a project, leaving only Project Bronco, and to make clarifications in its report.

6. Commission Decision No. C22-0295, issued May 13, 2022, provided notice of all Colorado's 2022 3206 Filings, informed all parties that specific information of each utility's filings was on file with the Commission, and established an opportunity for any interested parties to file comments on or before June 13, 2022.

7. Commission Decision No. C22-0392-I issued June 30, 2022, waived rule 3206(D)(II)(B), and established August 3, 2022, as the new date for staff recommendations.

8. Within the Commission's subsequent Decision No. C22-0438, mailed on August 2, 2022, the Commission ordered Public Service to file an application so that the Commission could further review the projects and determine whether a CPCN was necessary, or alternatively a formal determination that no CPCN was required, for Project Bronco.

9. In Public Service’s 2022 Rule 3206 Filing, the Company describes the design of Project Bronco as, “...the transmission line is designed as a double circuit loop, the project will serve a dedicated single customer (*i.e.*, Project Bronco), and will terminate at the customer-owned substation. “

10. This description is relevant because, Rule 3206 (b)(1) requires a CPCN for, “Transmission facilities designed at 230 kV or above, even if initially operated at a lower voltage. However, a radial transmission line designed at 230 kV or above that serves a single retail customer and terminates at that customer’s premises will not require a CPCN application.”²

11. A double 230 kV circuit serving a single customer or load is an element of the bulk electric system³ and is not a radial transmission line, therefore Project Bronco is not exempt from the requirements of Rule 3206 (b)(1).

12. The Company has requested clarification as to what the Commission views as the appropriate avenue for seeking a formal determination finding no CPCN is required.

13. A formal determination finding that no CPCN is required may be sought through an application seeking such a finding.

² “...‘radial’ lines, meaning they can only deliver electricity in one direction...” - <https://www.transmission.xcelenergy.com/Projects/Wisconsin/presque-isle-to-rest-lake-345-kv-project>, retrieved 08/30/2022.

³ Bulk Electric System Definition Reference Document, Version 3, August 2018, North American Electric Reliability Corporation, p. 29.

II. ORDER

A. The Commission Orders That:

1. The application for rehearing, reargument, or reconsideration filed on August 22, 2022, by Public Service Company of Colorado is denied.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 14, 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