

Decision No. C22-0634-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 22D-0446E

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IN THE MATTER OF THE PETITION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR A DECLARATORY ORDER THAT CERTAIN INCREMENTAL TRANSMISSION IMPROVEMENTS ARE IN THE ORDINARY COURSE OF BUSINESS.

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**INTERIM DECISION ACCEPTING  
PETITION FOR DECLARATORY ORDER,  
ISSUING NOTICE, AND REFERRING THIS  
MATTER TO AN ADMINISTRATIVE LAW JUDGE**

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Mailed Date: October 21, 2022  
Adopted Date: October 19, 2022

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS,  
OR CORPORATIONS:

**I. BY THE COMMISSION**

**A. Statement**

1. By this Decision the Commission accepts, issues notice of, and refers to an Administrative Law Judge (ALJ), the Petition for Declaratory Order (Petition) filed by Tri-State Generation and Transmission Association, Inc. on October 17, 2022. The Petition seeks a determination from the Commission that two transmission line reconductoring projects are in the ordinary course of business and therefore do not require a CPCN.
2. This Decision accepts the petition, establishes a 30-day period for notice, interventions, and responsive briefs, and refers the proceeding to an ALJ.

**B. Background**

3. On October 17, 2022, Tri-State filed this Petition seeking a declaratory order pursuant to Rules 4 *Code of Colorado Regulations* (CCR) 723-1-1304(f) and 723-3-3206 of the Commission's Rules of Practice and Procedure. Tri-State indicates that it is filing the petition pursuant to the settlement agreement approved in R22-0533 requiring Tri-State to seek a determination whether the projects outlined in its petition are in the ordinary course of business.

**C. Findings and Conclusions**

4. The Commission may entertain a petition for declaratory order to terminate a controversy or remove an uncertainty regarding any tariff, statute, or Commission rule, regulation, or order. Rule 4 CCR 723-1-1304(f). If a petition meets those requirements, we then exercise our discretion to accept or dismiss the petition.

5. We find that determining whether the projects presented in the Petition will remove uncertainty as to whether Tri-State needs a Certificate of Public Convenience and Necessity for these projects. Therefore, we accept Tri-State's Petition and issue notice of the Petition to interested persons, firms, and corporations by service of this Decision.

6. The Petition is available for public inspection by accessing the Commission's E-Filing system under the above proceeding number at [Colorado.gov/dora/puc](https://Colorado.gov/dora/puc). **This Decision is the notice that Tri-State's Petition seeking a determination that two transmission projects are in the ordinary course of business has been filed with the Commission.**

7. The Commission notice period for the Petition shall extend for 30 days from the mailed date of this Decision and, therefore, shall extend through and include **5:00 p.m. on November 18, 2022**. The intervention and response period will run concurrent with the notice period.

8. All matters in this proceeding are referred to an ALJ for disposition.

**II. ORDER**

**A. It Is Ordered That:**

1. The Petition for Declaratory Order (Petition) filed by Tri-State Generation and Transmission Association, Inc. on October 17, 2022, is accepted.

2. Service of this Decision will provide notice of the Petition to all interested persons, firms, and corporations.

3. The notice period for the Petition shall extend through and include **5:00 p.m. on November 18, 2022.**

4. Any person desiring to intervene or participate as a party in this proceeding shall file a petition for leave to intervene or, pursuant to the Commission's Rules of Practice and Procedure, other appropriate pleadings to become a party by **5:00 p.m. on November 18, 2022.**

5. Responsive briefs shall be due from all parties by **5:00 p.m. on November 18, 2022.**

6. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, or through the Commission's E-Filing system under Proceeding No. 22D-0446E at [Colorado.gov/dora/puc](https://Colorado.gov/dora/puc).

7. The Commission refers the matter to an Administrative Law Judge for disposition.

8. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
October 19, 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

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MEGAN M. GILMAN

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Commissioners