

Decision No. R24-0583-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24R-0306E

IN THE MATTER OF MODIFICATIONS TO THE COMMISSION'S ELECTRIC RULES TO ADDRESS THE IDENTIFICATION AND PROTECTION OF SITES OF HISTORIC AND CULTURAL SIGNIFICANCE TO FEDERALLY RECOGNIZED TRIBAL NATIONS.

INTERIM DECISION SHORTENING RESPONSE TIME

Issued: August 13, 2024

I. STATEMENT AND PROCEDURAL HISTORY¹

1. On July 11, 2024, by Decision No. C24-0494, the Colorado Public Utilities Commission (“Commission”) issued a Notice of Proposed Rulemaking (“NOPR”) to amend the Commission’s Rules Regulating Electric Utilities, 3 *Code of Colorado Regulations* (“CCR”) 723-3 (“Electric Rules”). The purpose of this rulemaking is to establish rules clarifying the process by which regulated electric utilities and wholesale generation and transmission cooperative associations (wholesale cooperatives) identify impacts to sites of historic and cultural significance to federally recognized Tribes, and present relevant information for consideration by the Commission in the context of certain resource planning and infrastructure decisions.

2. The NOPR incorporated proposed rules and invited interested persons or entities to submit written and/or verbal comments about the proposed rules.

¹ This Interim Decision only summarizes the procedural history pertinent to this Decision. For a more complete recitation of the procedural history of this Rulemaking Proceeding, please see Decision No. C24-0494 issued July 11, 2024.

3. As pertinent here, the NOPR scheduled a virtual public comment hearing to be held Tuesday, August 27, 2024, commencing at 11:00 a.m.

4. In addition, the NOPR ordered those wishing to file initial written public comments in advance of the public comment hearing to do so by August 9, 2024, and any pre-filed responses to the initial written comments to be filed no later than August 16, 2024.

5. Finally, the NOPR referred this Proceeding to an Administrative Law Judge (“ALJ”) for the issuance of a recommended decision. The matter was subsequently assigned to the undersigned ALJ.

6. Since the issuance of the NOPR, the Commission has received 12 initial written comments from multiple sources representing a broad spectrum of interested persons and entities. Some comments are lengthy and include multiple attachments.

7. On Monday, August 12, 2024, an interested entity, Tri-State Generation and Transmission Association (“Tri-State”), filed a Motion for Extension of Time and Request for Shortened Response Time (“Motion for Extension of Time”). In its motion, Tri-State requests a one-week extension of the deadline to file responsive comments, up to and including August 23, 2024.

8. In addition, because of the short time period involved, Tri-State requests that the time period for responding to its Motion for Extension of Time be shortened to two business days.

9. Tri-State represents that the following entities support the Motion for Extension of Time: Black Hills Colorado Electric, LLC; Public Service Company of Colorado; Colorado Solar & Storage Association; and Western Resource Advocates. In addition, GRID Alternatives and the Southern Ute Indian Tribe informed Tri-State that they do not oppose the Motion for

Extension of Time. However, several other entities who have filed initial written comments or are likely to participate in the August 27, 2024 public comment hearing did not respond to Tri-State's inquiry about their position pertaining to the Motion for Extension of Time.

10. Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, provides that a responding party "shall have 14 days after service of the motion, or such lesser or greater time as the Commission may allow, in which to file a response" to the motion. Thus, the undersigned ALJ may shorten the time to respond to Tri-State's Motion for Extension of Time.

11. Because the deadline to file written responsive comments to the initial comments filed in this Proceeding is this Friday, August 16, 2024, there is less than 14 days for interested persons to respond to the Motion for Extension of Time. Likewise, a ruling on the Motion for Extension of Time should be issued before the August 16, 2024, current expiration of the responsive comments deadline. The ALJ therefore finds and concludes that it is appropriate to shorten the time period within which interested persons, entities or participants in the scheduled public comment hearing may respond to Tri-State's Motion for Extension of Time.

12. The ALJ will therefore shorten the response time and order that any person, entity, or participant wishing to respond to Tri-State's Motion for Extension of Time must do so by the close of business on Wednesday, August 14, 2024.

II. ORDER

A. It Is Ordered That:

1. Response time to Tri-State Generation and Transmission Association's Motion for Extension of Time and Request for Shortened Response Time ("Motion for Extension of Time"), filed August 12, 2024, is shortened to two business days.

2. Responses to the Motion for Extension of Time are due on or before the close of business on Wednesday, August 14, 2024.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director