

Decision No. C25-0436-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0442E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2024 JUST TRANSITION SOLICITATION.

**INTERIM COMMISSION DECISION REQUIRING
FURTHER CONFERRAL AND RESPONSE**

Issued Date: June 4, 2025

Adopted Date: June 4, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On October 15, 2024, Public Service Company of Colorado (“Public Service” or the “Company”) filed a Verified Application for approval of its 2024 Just Transition Solicitation (“JTS”) Application.

2. Through Decision No. C25-0064-I, issued January 29, 2025 (“Scheduling Decision”), the Commission adopted a procedural schedule and scheduled an *en banc* evidentiary hearing. Among its determinations, the Scheduling Decision adopted the parties’ proposed consensus procedural schedule in large part, including scheduling evidentiary hearing to begin June 10, 2025, for approximately seven days, with certain half days to accommodate weekly meetings and other scheduling conflicts, in addition to reserving two additional days as needed on June 23 and June 24, 2025. The Scheduling Decision also adopted the parties’ proposed date of May 30, 2025, to require the witness list and cross-examination matrix prior to hearing.

3. On May 30, 2025, as required, the Company provided a cross-examination matrix, in addition to a notice of filing. Through the notice, and as reflected in the matrix, the Company includes that in total parties indicated over 89 hours of cross-examination time for the nine-day hearing. The filing indicates that, given that rebuttal and cross-answer testimony were filed one week ago on May 23, 2025 – a date also approved in Scheduling Decision adopting the consensus procedural schedule proposed by parties – several parties indicated that they are still assessing cross-examination times. The Company indicated its plan to file an updated cross-examination matrix to reflect any changes by Tuesday, June 3, 2025, by 5:00 p.m. “in advance of the Wednesday weekly meeting.”

4. The matrix filed May 30, 2025, indicates nearly 10 hours per day of party cross alone, failing to account for half-days, breaks, Commissioner questions, or other necessary hearing matters or housekeeping. While we are encouraged that the Company recognized that this matrix is infeasible and that an updated matrix would be filed June 3, 2025,¹ we have concerns that the Company and parties propose an initially unworkable schedule given the time reserved.

5. We therefore direct the Company to again confer with parties and seek efficiencies prior to hearing. As a rule of thumb, full days of hearings should include time for breaks, Commissioner questions, rebuttal, and housekeeping. Parties will need to reduce their cross-examination, accordingly, possibly limiting it to no more than six hours on full days of hearings. For days expected to be half days or interrupted by necessary business, the time for cross-examination should be even less.

¹ The June 3, 2025, updated matrix includes a total of 68 hours of cross examination estimated, not accounting for Commissioner questions, rebuttal or procedural matters. While the update is a significant improvement from the March 30, 2025 matrix filing and appreciated, through this order we further encourage the Company and parties to fine tune cross times and consider hearing efficiencies proactively.

6. Further still, the Commission has flexibility in how it conducts its hearings. Recent hearings have effectively included panel discussions and appropriately flagged or delayed specific topics for a more efficient process. Particularly given the large number of filings and interrelated materials, we raise and encourage the Company to confer with parties on whether a panel approach per party would be useful in this instance.

7. In addition, we note that the Company's rebuttal testimony included some significant shifts from prior filing positions. This pertains, for instance, to the proposed conforming bid policy. We welcome efficiencies that include possibly delaying topics, and specifically the conforming bid policy, until later in hearing.²

8. The Company can also confer with parties and include whether it would suggest a witness from each party to respond with any updated position given the Company's revisions in a rebuttal. Alternatively, parties could be permitted a brief response in writing prior to or as appropriate through the course of hearing. Under these or other approaches, our intent is for efficiencies at hearing and that assistance in better focusing cross examination on potentially unresolved issues.

9. Specific to the proposed conforming bid policy, we welcome efficiencies, including potentially a joint document on remaining contract issues filed prior to or early in the course of hearing. In addition, given that panels have been successful in recent hearings, we would raise for consideration a possible panel on the contracting matters to address Commissioner questions with appropriate witnesses from interested parties and the Company. A filing Friday, June 6, 2025, can

² For example, the party witnesses who will testify regarding the Company's proposed conforming bid policy (*e.g.*, party and Company Witnesses Monsen, Spurgeon, Pierce, Sanger, and Bornhofen), could be called later in the hearing such that the parties have additional time to prepare for the topic discussion, and so that any pending motions are resolved.

include if a panel discussion to address Commissioner questions would be helpful and appropriate, and any other processes that would be needed.

10. In addition to further conferral on hearing efficiencies, we are interested in an update on the status of the Company-owned thermal resources approved in the Company's 2021 Electric Resource Plan.³ A filing is not required by Friday, June 6, 2025, if infeasible, but if a filing with updates regarding these thermal resources cannot be provided, the Company should address when it could provide an update prior to the close of hearing.

11. Consistent with the discussion above, the Company shall confer with parties and file by 12:00 p.m. on Friday, June 6, 2025, any agreed to or suggested process improvements, including with consideration of panels or topic-specific discussions indicated above. The Commission can then consider, including at the beginning of hearing if adjustments to the schedule, witness order, or other accommodations are needed. An updated matrix is also encouraged to reflect any additional changes agreed to by the parties in further conferral, including at a minimum appropriate reduction in cross-examination estimates. In addition, and as noted, the Company shall indicate its ability to file prior to the end of the hearing, including any specific timing anticipated, or file informational updates regarding thermal resources.

II. ORDER

A. **It Is Ordered That:**

1. Public Service Company of Colorado shall confer with parties to this Proceeding and file updated information in consideration of hearing efficiencies, in addition to an updated matrix as discussed above, no later than **12:00 p.m. on June 6, 2025.**

³ Proceeding No. 21A-0141E.

2. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 4, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners