

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0220G

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2025-2030 GAS INFRASTRUCTURE PLAN, CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR FACILITIES, AND NON-PIPELINE ALTERNATIVES ("NPA") COST RECOVERY STRUCTURE.

**INTERIM COMMISSION DECISION
SETTING MATTER FOR HEARING,
ADDRESSING INTERVENTIONS, AND GRANTING
MOTION FOR EXTRAORDINARY PROTECTION**

Issued Date: July 29, 2025

Adopted Date: July 23, 2025

I. BY THE COMMISSION

A. Statement

1. On May 23, 2025, Public Service Company of Colorado ("Public Service" or the "Company") filed an Application requesting that the Commission approve its 2025-2030 Gas Infrastructure Plan ("GIP"). Concurrent with its Application, the Company also filed a Motion for Extraordinary Protection of Highly Confidential Information ("Extraordinary Protection Motion").

2. The Commission issued a Notice of Application Filed on June 3, 2025. The Notice set a 30-day intervention period that ran through July 2, 2025.

3. The Application was deemed complete on July 18, 2025, in accordance with § 40-6-109.5, C.R.S.

4. Through this Decision, the Commission sets the matter for hearing and establishes parties to this Proceeding. The Commission acknowledges the notices of intervention of right filed

by Trial Staff of the Commission (“Staff”), the Colorado Office of the Utility Consumer Advocate (“UCA”), and the Colorado Energy Office (“CEO”). The Commission grants the requests for permissive intervention filed by: The City and County of Denver (“Denver”); Colorado Communities for Climate Action (“CC4CA”); Natural Resources Defense Council, Rewiring America, Sierra Club, the Southwest Energy Efficiency Project, and Western Resource Advocates (collectively, the “Conservation Advocates”); Colorado Renewable Energy Society (“CRES”) and the Physicians for Social Responsibility Colorado (“PSR-CO”) (jointly, “CRES/PSR-CO”); and Colorado Association of Home Builders and Home Builders Association of Metro Denver (jointly, “Home Builders”).

5. Also through this Decision, the Commission grants the Extraordinary Protection Motion.

B. Background

6. By its Application, Public Service requests that the Commission approve its GIP and grant a presumption of prudence for the “Planned Projects” in the GIP as well as the associated cost estimates. Public Service further seeks a Certificate of Public Convenience and Necessity for the Louisville to Rollins Pass Project and the Speer Canal Interconnects Project. The Company seeks further approval of its proposed non-pipeline alternative project cost recovery structure, using the existing electric and gas Demand-Side Management Cost Adjustments.

7. Public Service submitted pre-filed Direct Testimony and accompanying attachments of thirteen witnesses in support of the Application.

8. The filing requirements for the GIP come from several sources, including the Commission’s Rules Regulating Gas Utilities, 4 *Code of Colorado Regulations* (“CCR”) 723-4,

§ 40-3.2-104.4(3), C.R.S., and prior Commission decisions in Proceeding Nos. 23M-0234G and 24M-0261G.

9. Public Service's GIP includes 62 Planned Projects for a total budget of approximately \$572.4 million. The majority of the Planned Projects are for system safety and integrity.

C. Findings and Conclusions

1. Setting Matter for Hearing

10. We find good cause to set the matter for hearing.

2. Interventions

11. Staff, UCA, and CEO filed timely notices of intervention by right on or before July 22, 2025. In their filings, they outline several issues they plan to address in this Proceeding.

12. Pursuant to Rule 1401(b), 4 CCR 723-1, of the Commission's Rules of Practice and Procedure, no decision is required in response to appropriately filed notices of intervention by right.

13. We acknowledge the notices of intervention of right. Staff, UCA, and CEO are parties to this Proceeding.

14. The following filed requests for permissive intervention: Denver, CC4CA, Conservation Advocates, CRES/PSR-CO, Home Builders, Justin Knowles, and Christopher Fellows. The Commission has reviewed the motions for permissive intervention and highlights some of the intervenors' interests and background below.

15. The Conservation Advocates—comprised of NRDC, Sierra Club, SWEEP, Rewiring America, and WRA—are each non-profit organizations with an interest in climate change advocacy in Colorado. They state they have an interest in decreasing emissions from fossil

gas distribution and combustion, and decarbonizing the gas and building sector throughout the west in a manner that is beneficial to both ratepayers and the environment.

16. CC4CA is a non-profit organization with 45 county and municipality members throughout Colorado, many of which are communities within Public Service's service territory. As local governments, CC4CA's members have unique perspectives on the threats and challenges that climate change poses; the effects of poor air quality and climate change are felt most immediately and intensely at the local level, and local governments bear the costs of protecting and supporting their residents and businesses.

17. Denver is a large city within Public Service's service territory and is a customer of Public Service. Denver states that its ability to meet its own decarbonization policies and goals in an affordable and equitable manner are directly tied to Public Service's planning and development of its energy delivery infrastructure, including its gas system. Denver has also been provisionally selected by Public Service and CEO in Proceeding No. 25D-0183G as a Primary Community under the Gas Planning Pilot Community framework established by House Bill 24-1370, and routinely participates in other proceedings before the Commission.

18. CRES and PSR-CO are both non-profits active in Colorado. CRES advocates for a carbon-neutral Colorado and is comprised of approximately 350 individual and business members, including 60 businesses with an interest in renewable energy, many of which are in Public Service's territory. PSR-CO advocates on the state and local level to limit hazardous air pollutant emissions that impact health and well-being. CRES/PSR-CO request the Commission grant late intervention in this Proceeding and filed their motion for intervention one business day late due to unavailability of their counsel.

19. The Colorado Association of Home Builders and the Home Builders Association of Metro Denver are trade groups that represent nearly 2,000 home builders across Colorado that regularly require gas infrastructure from Public Service. Home Builders seeks to explore a number of topics raised in the Application, including the methodology and assumptions underlying the Company's gas system forecasts, the Company's compliance with the GIP mapping requirements, the non-pipeline alternative cost-benefit methodology and specific projects proposed, and the coordination between the GIP and the Company's electric system planning processes. They claim that their interests would not otherwise be represented in the Proceeding without intervention and that their members have a pecuniary and tangible interests that may be substantially affected by the outcome of this Proceeding.

20. Mr. Justin Knowles is a dry utility coordinator in Colorado. He states he "has a pecuniary and tangible interest" in this Proceeding and that he seeks to explore a number of topics, including: the methodology and assumptions that underly the Company's gas system forecasts; non-pipeline alternatives, including the underlying cost-benefit methodology and specific projects; and the coordination between the GIP and the Company's electric system planning processes.

21. Mr. Christopher Fellows, "Resolute Strategies, Inc.", describes his experience as part of the development team of the "Windler" Master Planned Community in Aurora, Colorado. He discusses technical questions regarding home affordability and attainability and explains that he found that solely electric homes are not practical in Colorado for reasons related to cost and efficiency in Colorado's climate. He suggests, moving forward, that the Commission: encourage and support actively these positive steps with "carrots" not "sticks;" reinstate the "Development Agreement Program" to help reduce home costs; actively work with Public Service on geothermal solutions; actively work to change regulations, legislation, and laws so that micro-grids using solar

are permitted; and work with the Company and developers on solutions to drive towards zero net energy communities.

22. Rule 1401(c) requires persons seeking permissive intervention to show the following, in pertinent part:

A motion to permissively intervene shall state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. The motion must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant's interests would not otherwise be adequately represented.

23. Further, in addition to requiring a pecuniary and tangible interest not otherwise represented, Rule 1401(c) requires that a movant who is a “residential consumer, agricultural consumer, or small business consumer” discuss in the motion whether the distinct interest of the consumer is either not adequately represented by the UCA or inconsistent with other classes of consumers represented by UCA. As set forth in §§ 40-6.5-104(1) and (2), C.R.S., UCA has a statutory mandate to represent the interest of residential ratepayers.

24. Pursuant to Rule 1500, the party seeking leave to intervene by permission bears the burden of proof with respect to the relief sought.

25. As Colorado courts have long recognized, the Commission maintains discretion in granting or denying petitions for permissive intervention.¹

26. We find that, as required by Rule 1401(c), 4 CCR 723-1, Denver, CC4CA, Conservation Advocates, CRES/PSR-CO, and Home Builders have each sufficiently demonstrated

¹ *E.g., Public Service Co. of Colo. v. Trigen-Nations Energy Co.*, 982 P.2d 316, 327 (Colo. 1999) (“[The] PUC maintains discretion to grant or deny petitions for permissive interventions.”); *De Lue v. Pub. Utils. Comm’n*, 454 P.2d 939, 942 (Colo. 1969) (upholding the Commission's finding that a party did not show a substantial interest in the subject matter and its intervention would unduly broaden the issue before the Commission.).

that this Proceeding may substantially affect its pecuniary or tangible interests and that its interests would not otherwise be adequately represented in this Proceeding. Therefore, we grant the requests for permissive intervention of Denver, CC4CA, Conservation Advocates, CRES/PSR-CO,² and Home Builders. In doing so, we encourage the parties to work together where their interests align to maximize efficiency. Denver, CC4CA, Conservation Advocates, CRES/PSR-CO, and Home Builders are parties to this Proceeding.

27. Mr. Fellows' intervention pleading fails to discuss or otherwise demonstrate good cause for late intervention under Rule 1401(a). The filing does not address or establish grounds for permissive intervention under Rule 1401(c) and does not explain his ability, as a *pro se* intervenor, to represent any pecuniary and tangible interests not otherwise represented by the numerous parties to this Proceeding.³ Notably, Mr. Fellows entirely neglects to address any of these substantive requirements set out in Rule 1401. It is also unclear whether Mr. Fellows means to represent his business, Resolute Strategies, Inc., or himself. Likewise, his filing does not address why UCA cannot adequately represent his interests in this Proceeding.⁴

² We also grant CRES/PSC-CO's motion requesting an order granting leave for a late intervention.

³ The Colorado Supreme Court has articulated two exceptions to the general rule that only licensed attorneys can practice law before an administrative body: (1) when a natural person represents his or her own interests, and (2) "[a]s to matters in which no legal principle is involved and the subject matter of the hearing has a value or represents an amount insufficient to warrant the employment of an attorney." *Denver Bar Ass'n v. Pub. Utils. Comm'n*, 391 P.2d 467, 471 (Colo. 1964). The Commission has prevented even its own staff from using a *pro se* non-attorney representative for failing to fall within either of these exceptions. *In Re Union Pac. R.R. Co.*, 03A-254R, 2003 WL 22399577 (Colo. P.U.C. Oct. 16, 2003). The Commission has also stated that the burden of proof lies with the *pro se* party, if they seek non-attorney representation before the Commission, to prove that they fit within a qualifying exception. *In the Matter of the Application of Holly M. Smith, Doing Bus. As Angel Delivery's, for A Certificate of Pub. Convenience & Necessity to Operate As A Common Carrier by Motor Vehicle for Hire.*, 17A-0383CP, 2017 WL 4055063, at *6 (Colo. P.U.C. Sept. 6, 2017), modified, 17A-0383CP, 2017 WL 5159612 (Colo. P.U.C. Nov. 2, 2017).

⁴ See also *Glustrom v. Pub. Utils. Comm'n*, 11CV8131 (Order Dismissing Appeal, July 11, 2012) (Denver District Court decision upholding the Commission's decision to deny the petition for permissive intervention by *pro se* individual because the subject docket would not substantially affect the petitioner's pecuniary or tangible interests not shared by other residential ratepayers.).

28. Therefore, to the extent Mr. Fellows' filing was meant to be a motion for intervention, it is denied. However, we will consider Mr. Fellows' filing as a public comment and consider it part of the record in that respect. We strongly encourage Mr. Fellows to participate and engage in the public comment process further—the Commission accepts public comments in writing at any time.

29. Mr. Knowles' intervention pleading also fails to address or establish grounds for permissive intervention under Rule 1401(c). The filing does not explain his ability, as a *pro se* intervenor, to represent any pecuniary and tangible interests not otherwise represented by the numerous parties to this Proceeding or that is separate from his business interests.⁵ Likewise, his filing does not address why UCA cannot adequately represent his interests in this Proceeding shared by other ratepayers.⁶ Therefore, Mr. Knowles' motion for intervention is denied. We strongly encourage Mr. Knowles to participate and engage in the public comment process further—the Commission accepts public comments in writing at any time.

30. In sum, the following entities are parties to this Proceeding: Public Service, Staff, UCA, CEO, Denver, CC4CA, Conservation Advocates, CRES/PSR-CO, and Home Builders.

⁵ The Colorado Supreme Court has articulated two exceptions to the general rule that only licensed attorneys can practice law before an administrative body: (1) when a natural person represents his or her own interests, and (2) “[a]s to matters in which no legal principle is involved and the subject matter of the hearing has a value or represents an amount insufficient to warrant the employment of an attorney.” *Denver Bar Ass'n v. Pub. Utils. Comm'n*, 391 P.2d 467, 471 (Colo. 1964). The Commission has prevented even its own staff from using a *pro se* non-attorney representative for failing to fall within either of these exceptions. *In Re Union Pac. R.R. Co.*, 03A-254R, 2003 WL 22399577 (Colo. P.U.C. Oct. 16, 2003). The Commission has also stated that the burden of proof lies with the *pro se* party, if they seek non-attorney representation before the Commission, to prove that they fit within a qualifying exception. *In the Matter of the Application of Holly M. Smith, Doing Bus. As Angel Delivery's, for A Certificate of Pub. Convenience & Necessity to Operate As A Common Carrier by Motor Vehicle for Hire.*, 17A-0383CP, 2017 WL 4055063, at *6 (Colo. P.U.C. Sept. 6, 2017), modified, 17A-0383CP, 2017 WL 5159612 (Colo. P.U.C. Nov. 2, 2017).

⁶ See also *Glustrom v. Pub. Utils. Comm'n*, 11CV8131 (Order Dismissing Appeal, July 11, 2012) (Denver District Court decision upholding the Commission's decision to deny the petition for permissive intervention by *pro se* individual because the subject docket would not substantially affect the petitioner's pecuniary or tangible interests not shared by other residential ratepayers.).

3. Motion for Extraordinary Protection

31. In its Extraordinary Protection Motion, Public Service seeks extraordinary protection for the System-Wide ESRI ArcGIS Online Map provided as part of this filing pursuant to § 40-3.2.104.4(3), C.R.S., and Rule 4553, as well as the underlying infrastructure data and similar critically sensitive gas system infrastructure and location data that may be requested in this case. The system-wide ESRI ArcGIS online map includes the following:

- a. Data for the Planned Projects reported in the 2025 GIP and, for each Planned Project, the following attributes:
 - i. Project location;
 - ii. Pressure District/geographic area;
 - iii. Disproportionately impacted communities;
 - iv. Existing/proposed distribution piping;
 - v. Existing/proposed higher capacity pipelines;
 - vi. Electric service provider at the project location; and
 - vii. Above-ground affected gas infrastructure, such as regulator stations.
- b. The following attributes for all areas of the Company's distribution system:
 - i. Location of system-wide distribution pipes;
 - ii. Age of each gas distribution pipe; and
 - iii. Materials or types of each gas distribution pipe.

32. Public Service argues that highly confidential treatment is necessary because the interactive map is proprietary, and disclosure would create security, safety, and other risks if not treated in a highly confidential manner. The Company states that it has a responsibility at both the state and federal level to safeguard information regarding critical infrastructure, and physical and cybersecurity attacks on the Company's critical infrastructure could cause widespread disruption

to the natural gas system. Extraordinary remedies are therefore necessary to protect the highly confidential information from disclosure.

33. Public Service requests an order granting extraordinary protection of the Highly Confidential Information with access limited to the Commission, State agencies, Colorado municipalities/counties, and environmental advocates who routinely practice before the Commission. The Company states that remote online viewing of this information will be possible, and that the Company will provide the necessary viewing licenses on behalf of the Commission, its advisors and counsel,⁷ as well as on behalf of the intervenor counsel and representatives that are authorized to view the ESRI GIP Mapping, avoiding separate intervenor access costs.

34. When presented with a motion for extraordinary protection of claimed highly confidential information, the Commission determines whether the information is, in fact, highly confidential, the level of extraordinary protection that may be warranted, and to whom access should be granted. Rule 1101(d) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, allows the Commission to “enter a decision granting the motion and ordering the highly confidential protection which the Commission, in the exercise of its discretion, deems appropriate; may enter a decision denying the motion; or may enter any other appropriate decision.”

⁷ Public Service shall reach out to the Advisory Staff identified in Staff's intervention pleading with directions on how the Commissioners and Advisory Staff may receive access (*i.e.*, ron.davis@state.co.us; michael.mendelsohn@state.co.us; ian.fetters@state.co.us; and michael.eden@state.co.us).

35. The operative language in Rule 1101(b)(IV) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, which concerns motions requesting highly confidential protection, requires that the motion:

shall include a showing that the information for which highly confidential protection is sought is highly confidential; that the protection afforded by the Commission's rules for furnishing confidential information provides insufficient protection for the highly confidential information; and that, if adopted, the highly confidential protections proposed by the movant will afford sufficient protection for the highly confidential information ...

36. We find persuasive the reasoning and arguments in the Extraordinary Protection Motion. The motion states good cause to grant the relief sought under Rule 1101. The Commission further finds the requested protections are appropriate, are reasonable, and are consistent with the Commission's Rules and past practice. It is our understanding that all parties except Home Builders meet the Company's proposed access criteria. Based on the foregoing, we grant the motion to afford extraordinary protection and approve the non-disclosure agreements.

II. ORDER

A. It Is Ordered That:

1. The Application of Public Service Company of Colorado ("Public Service") for Approval of its 2025-2030 Gas Infrastructure Plan, Certificates of Public Convenience and Necessity for Facilities, and Non-Pipeline Alternatives Cost Recovery Structure ("Application") is set for hearing. The Commission will determine by future order if this Proceeding will be referred to a Hearing Commissioner pursuant to Commission Rule 1404(a).

2. The Notices of Intervention of Right filed by Trial Staff of the Commission ("Staff"), the Colorado Office of the Utility Consumer Advocate ("UCA"), and the Colorado Energy Office ("CEO") on or before July 22, 2025, are acknowledged.

3. The Motion to Intervene filed on June 25, 2025, by City and County of Denver (“Denver”) is granted.

4. The Motion to Intervene filed on June 27, 2025, by Colorado Communities for Climate Action (“CC4CA”) is granted.

5. The Motion to Intervene filed on July 2, 2025, by Natural Resources Defense Council, Rewiring America, Sierra Club, the Southwest Energy Efficiency Project, and Western Resource Advocates (collectively, the “Conservation Advocates”) is granted.

6. The Motion to Intervene filed on July 2, 2025, by Colorado Renewable Energy Society (“CRES”) and the Physicians for Social Responsibility Colorado (“PSR-CO”) (jointly, “CRES/PSR-CO”) is granted.

7. The Motion to Intervene filed on July 22, 2025, by the Colorado Association of Home Builders and Home Builders Association of Metro Denver (jointly, “Home Builders”) is granted.

8. The Motion to Intervene filed by Justin Knowles on July 2, 2025, is denied, consistent with the discussion above.

9. The Motion to Intervene filed by Christopher Fellows on July 7, 2025, is denied, consistent with the discussion above.

10. The parties to this Proceeding are: Public Service, Staff, UCA, CEO, Denver, CC4CA, Conservation Advocates, CRES/PSR-CO, and Home Builders.

11. The Motion for Extraordinary Protection of Highly Confidential Information, filed by Public Service on May 23, 2025, is granted, consistent with the discussion above.

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

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 23, 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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MEGAN M. GILMAN

TOM PLANT

Commissioners