

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0560E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE DENVER METRO TRANSMISSION NETWORK IMPROVEMENT PROJECT, A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE LEETSDALE-ELATI TRANSMISSION PROJECT, AND ASSOCIATED FINDINGS OF NOISE AND MAGNETIC FIELD REASONABLENESS.

**INTERIM DECISION DENYING REQUEST TO WAIVE
RESPONSE TIME AND SETTING DEADLINE TO FILE
REPONSES TO MOTION FOR VARIANCE**

Issued Date: May 19, 2025

I. STATEMENT

A. Relevant Procedural Background

1. On December 20, 2024, Public Service (“Public Service or “the Company”) filed an Application seeking issuance of Certificates of Public Convenience and Necessity for the Denver Metro Transmission Network Improvement Project and the Leetsdale-Elati 230 kV (“kilovolt”) Underground Transmission Upgrade Project (“Application”). On the same date, Public Service filed direct testimony supporting the Application.

2. On January 31, 2025, the Commission issued Decision No. C25-0074-I that referred the proceeding to an Administrative Law Judge (“ALJ”). The proceeding was subsequently assigned to the undersigned ALJ. The Commission also directed Public Service to file supplemental direct testimony (“SDT”) on four topics, one of which was any analyses Public Service has conducted to evaluate potential reduction in the proposed transmission investments

that may be enabled by addressing distribution capacity with distributed generation, distributed storage, and demand-side resources located within the Denver Metro constraint.¹

3. On February 28, 2025, the ALJ issued Decision No. R25-0149-I that, among other things, added three more topics to the existing list of topics for SDT. Two of those added topics were:

b. For each of the overloads indicated in Appendix B to HE 103, Att. AWS-1, Rev. 1, please provide the number of hours in which modeling indicates each asset will exceed 100 percent of its rating. Please also characterize the degree to which overload hours on the various elements shown in the appendix overlap, for example by providing a daily histogram showing the number of overloads in each hour during days when the greatest numbers of overloads are modeled to occur.

c. Please describe or cite existing testimony describing any investigation the Company has conducted to understand the degree to which the many overloads indicated in Appendix B to HE 103 could be mitigated by increasing generation at thermal power plants located either within or north of the metro constraint during some or all of the hours of grid stress indicated in the response to the previous question.

Decision No. R25-0149-I also established March 14, 2025 as the deadline for the filing of the SDT, as recommended by the parties.

4. On March 14, 2025, Public Service filed the requested SDT.

5. On April 2, 2025, the ALJ issued Decision No. R25-0245-I that scheduled a remote technical conference on April 8, 2025 to address topics specified in that decision.

6. On April 7, 2025, Public Service filed an Unopposed Motion to Reschedule Technical Conference, Amend Procedural Schedule, and for Waiver of Response Time in which Public Service formally moved to vacate and reschedule the technical conference to April 22, 2025 at 9:00 a.m.

¹ Decision No. C25-0074-I at pp. 5-6 (¶¶ 18-21).

7. On April 8, 2025, the ALJ issued Decision No. R25-0264-I that vacated and reset the technical conference to April 22, 2025 at 9:00 a.m.

8. On April 22, 2025, the remote technical conference took place as scheduled. At the conclusion, the ALJ informed the parties that an interim decision would be forthcoming if the ALJ decided to order further SDT.

9. On May 1, 2025, the ALJ issued Decision No. R25-0366-I that ordered Public Service to file additional SDT on topics specified in the decision by May 21, 2025 and scheduled a hearing for May 15, 2025 to address whether extraordinary conditions existed justifying the further extension of the statutory deadline by up to 130 days pursuant to § 40-6-109.5(4), C.R.S.

10. On May 14, 2025, Public Service filed a Motion for Variance from Decision No. R25-03356-I, to Amend Procedural Schedule, and for Waiver of Response Time (“Motion for Variance”).

11. On May 15, 2025, the hearing scheduled in Decision No. R25-0336-I took place as scheduled.

B. Request for Waiver of Response Time to Motion for Variance

12. The Motion for Variance includes a request to waive response time, which would deny the intervenors the ability to file a written response to the Motion for Variance. In the Motion for Variance, Public Service stated that it had conferred with the parties and all but the Office of the Utility Consumer Advocate (“UCA”) takes no position on, or do not oppose, the request to waive response time. Public Service stated in the Motion for Variance that UCA opposes the request to waive response time, which UCA confirmed at the hearing on May 15, 2025.

13. The Motion for Variance is important. For this reason, and because UCA had little time to develop and present a response at the hearing on May 15, 2025, the ALJ will allow UCA

to file a written response. Accordingly, the ALJ will deny the request to waive response time to the Motion for Variance. As stated at the May 15, 2025 hearing, because the ALJ will be out of the office from May 22 to June 4, 2025, UCA will be ordered to file any response to the Motion for Variance by noon on May 19, 2025. The ALJ will attempt to issue a written decision ruling on the Motion for Variance and the proposed schedule contained therein by May 21, 2025.

II. ORDER

A. It Is Ordered That:

1. For the reasons stated above, the request to waive response time to the Motion for Variance from Decision No. R25-0336-I filed by Public Service Company of Colorado on May 14, 2025 is denied.

2. The deadline for the Office of the Utility Consumer Advocate to file its response to the Motion for Variance is noon on May 22, 2025.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director