

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0069E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE BARKER SUBSTATION, 230 KV UNDERGROUND TRANSMISSION LINE, AND ASSOCIATED FINDINGS REGARDING NOISE AND MAGNETIC FIELD REASONABLENESS.

**INTERIM DECISION
GRANTING MOTION FOR EXTRAORDINARY
PROTECTION FOR HIGHLY CONFIDENTIAL
INFORMATION**

Issued Date: June 4, 2025

I. STATEMENT

1. On February 10, 2025, Public Service Company of Colorado (“Public Service” or the “Company”) filed an Application for a Certificate of Public Convenience and Necessity (“CPCN”) for facilities associated with the Barker Substation (“Application”).

2. The Barker Substation (“the “Project”) is a new substation intended to increase capacity of the network distribution system serving downtown Denver. The Company explains in the Application that the Project is needed to satisfy growth in demand caused by population increases, high density demand, new all-electric residential buildings codes, and successful urban revitalization efforts.

3. The Project is located in Lower Downtown near Coors Field on property already owned by the Company from a 1990 purchase. It entails above-ground substation transmission facilities, distribution transformers and capacity banks, and a 2,000 ft. double-circuit 230 kV underground transmission line connecting to another existing substation. The Project is expected

to cost approximately \$213.6 million, with about \$100 million of that related to the transmission line and the transmission substation facilities.

4. Public Service intends to recover the costs associated with the transmission elements of the Project through its Transmission Cost Adjustment. The Company further anticipates to recover the distribution costs associated with the Project through its proposed Grid Modernization Adjustment Clause, approval of which is pending in Proceeding No. 24A-0547E.

5. On February 24, 2025, the Colorado Office of the Utility Consumer Advocate (“UCA”) filed an Intervention as of Right and Request for Hearing. UCA seeks to examine whether: the distribution cost increase from \$18.1 million in 2017 versus \$213.6 million as set forth in the Application is reasonable; the use of higher-cost, gas-insulated switchgear is necessary and reasonable; the use of an underground, double circuit transmission line is reasonable; some equipment can be deferred until later to reduce initial costs; and the proposed cost recovery mechanisms are reasonable.

6. On March 21, 2025, Trial Staff of the Colorado Public Utilities Commission (“Staff”) filed an Intervention as of Right and Request for Hearing. Staff lists in its intervention some areas of inquiry it intends to examine.

7. On April 29, 2025, by Decision No. R25-0329-I, a procedural schedule was adopted.

8. On May 23, 2025, Public Service filed its Motion for Extraordinary Protection of Highly Confidential Cost Information (“Motion for Extraordinary Protection”).

II. MOTION FOR EXTRAORDINARY PROTECTION

9. Public Service requests extraordinary protection for (1) Company witness Ms. Dedus' workpapers containing a Cost Analyst Report which is a detailed cost tracking spreadsheet that includes highly confidential cost and contract data; (2) Company witness Ms. Dedus' workpapers containing a cash flow which is a detailed cost tracking spreadsheet that includes highly confidential cost and contract data and (3) Company witness Ms. Dedus' workpapers containing the Risk Register for the Project which includes detailed assumptions and cost estimates associated with siting and land rights acquisitions, negotiations, and permitting activities; labor and service costs; materials, supply, and equipment costs; vendor estimates and contract costs, overhead/escalation costs; and risk reserve.

10. Specific categories of assumptions and cost estimates that Public Service seeks to protect as Highly Confidential include:

- a. Labor and service costs;
- b. Materials, supply, and equipment costs;
- c. Vendor estimates, quotes, and other contract costs;
- d. Detailed assumptions and cost estimates associated with siting and land rights acquisitions, negotiations, and permitting activities, including projected land and permitting costs, outreach costs, and legal and consulting costs/expenses;
- e. Studies by outside consultants on transmission project design;
- f. Overhead/escalation costs; and
- g. Risk register and reserve.

11. The Company requests access to the above categories of highly confidential information be limited to Commissioners, Staff, UCA, and a “reasonable number of attorneys” and a “reasonable number of subject matter experts” representing any party to this Proceeding, as

described in more detail below. Additionally, the Company requests that any party who is a transmission developer or potential transmission developer, or potential vendor/bidder/counter-party that might support the development or construction of a transmission project in Colorado, be precluded from receiving the Highly Confidential Information.

12. The request includes any documents or portions of documents discussing or identifying any of the indicated Highly Confidential Information, including all testimony, discovery requests or responses (“including attachments”), hearing transcripts, decisions, and any other documents addressing such types of information throughout the pendency of this proceeding.

13. Public Service states the Commission has previously granted extraordinary protection for the same categories of information for which protection is requested here in Proceeding No. 24A-0131E regarding the Company’s request for a CPCN for the Sandstone Switching Station.

14. Due to the sensitive and confidential nature of the Highly Confidential Information, Public Service contends that the protection afforded by the Commission’s rules for furnishing confidential information provides insufficient protection. As such, Public Service requests that the Commission afford extraordinary protection for the Highly Confidential Information described above, and order that it be treated as Highly Confidential, with access limited as follows:

- Public Service requests an order limiting party access to a “reasonable number of attorneys” and a “reasonable number of subject matter experts” representing a party to this proceeding, and subject to such individuals executing a non-disclosure agreement in the form of Attachment A (counsel) or Attachment B (subject matter expert).
- Additionally, the Company requests the Commission specifically exclude any party who is a transmission developer or potential transmission developer, or potential vendor/supplier/counter-party that might support the development or construction of a transmission project in Colorado, from accessing the Highly Confidential Information.

15. Public Service has included its own non-disclosure agreement for attorneys and subject matter experts with its Motion for Extraordinary Protection

16. No intervenor opposes the Motion for Extraordinary Protection. Public Service strikes a reasonable balance between the need for disclosure so that the intervenors in this matter can protect their interests, with the need of Public Service to protect its own interests.

17. The ALJ finds and concludes that the Motion for Extraordinary Protection meets the requirements of Rule 1101(b) of the Commission's Rules of Practice and Procedure, and establishes that the information for which the Company seeks extraordinary protection is highly confidential. Based upon this finding and the Motion being unopposed, the ALJ will grant the Motion.

III. ORDER

It is Ordered That:

1. The Motion for Extraordinary Protection of Highly Confidential Cost Information a filed by Public Service Company of Colorado (“Public Service”) on May 23, 2025, is granted consistent with the discussion above.

2. Access to the Highly Confidential Information as described above is limited consistent with the discussion above.

3. In order to have access to the highly confidential information, the Colorado Office of the Utility Consumer Advocate employees, and attorneys must have signed, served, and filed the Non-disclosure Agreement provided by Public Service.

4. Members of the Commission Trial and Advisory Staff and the Attorneys General representing Trial Staff and Advisory Staff assigned to this proceeding must have signed and have

on file with the Commission a current annual non-disclosure agreement in accordance with Commission Rule 4 *Code of Colorado Regulations* 723-1-1100(h) prior to gaining access to the Highly Confidential information.

5. All provisions enumerated above are now in effect regarding the Highly Confidential Information.

6. The Parties shall be held to the advisements in this Decision.

7. This Decision is effective immediately.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director