

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0194E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2026-2027 RENEWABLE ENERGY COMPLIANCE PLAN, DISPATCHABLE DISTRIBUTED GENERATION PROCUREMENT PROPOSAL, AND CORRESPONDING MODIFICATIONS TO ITS RENEWABLE ENERGY STANDARD ADJUSTMENT AND ELECTRIC COMMODITY ADJUSTMENT COST RECOVERY MECHANISMS.

**INTERIM DECISION ADDRESSING INTERVENTIONS,
SETTING DEADLINE FOR PARTIES TO RESPOND TO
OMNIBUS MOTION, DIRECTING PARTIES TO CONFER
ON PROCEDURAL SCHEDULE, AND DIRECTING
APPLICANT TO PROVIDE CONSENSUS PROCEDURAL
SCHEDULE BY A DATE CERTAIN**

Issued Date: July 31, 2025

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I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

1. This Decision addresses all interventions filed in this Proceeding; sets a deadline of August 11, 2025 for parties to respond to Public Service’s Omnibus Motion; directs the parties to confer on a procedural schedule; and directs Public Service to provide a consensus procedural schedule by August 15, 2025.

2. On May 12, 2025, Public Service Company of Colorado (“Public Service” or “the Company”) filed its Verified Application of Public Service Company of Colorado for Approval of its 2026-27 Renewable Energy Compliance Plan (“Application” or “Proposed RE Plan”).

3. Also on May 12, 2025, Public Service filed a Motion of Public Service Company of Colorado for Commission Approval of Alternative Forms of Notice (“Notice Motion”); as well as Public Service Company of Colorado’s Verified Omnibus Motion to Extend 2022-25 RE Plan; Motion for Issuance of Waivers and Variances Necessary to Implement its 2026-2027 Renewable Energy Compliance Plan; and Motion for Extraordinary Protection (“Omnibus Motion”).

4. On May 15, 2025, the Commission provided public notice of the Proposed RE Plan via its Notice of Application Filed (“Notice”). The Notice established a 30-day deadline to file interventions for all persons¹ except the Colorado Public Utilities Trial Staff (“Staff”), who was given an additional seven days to intervene.

5. On May 29, 2025, by Decision No. C25-0399-I, the Commission granted Public Service’s Motion for Commission Approval of an Alternative Form of Notice.

6. By Decision No. C25-0483, filed June 26, 2025, the Commission tolled the determination of completeness for the Application and found that it needed further time to

¹ See Rule 1004(v), 4 CCR 723-1.

determine its completeness.² In the same decision, the Commission ensured that the Application did not auto-deem complete on July 1, 2025.³

7. On July 21, 2025, by Decision No. C25-0532-I, the Commission deemed the Application complete and referred the matter to an Administrative Law Judge (“ALJ”) for a determination. In addition, the Commission set a deadline of August 4, 2025 for responses to the portion of Public Service’s Omnibus Motion pertaining to its Motion to Extend.⁴ The Commission also ordered Public Service to file Supplemental Direct Testimony in this Proceeding and directed the ALJ to set that filing deadline by separate decision.⁵

8. The following persons filed timely interventions of right without any objection: The Office of the Utility Consumer Advocate (“UCA”) (May 25, 2025); the Colorado Energy Office (“CEO”) (June 13, 2025); and Staff (June 18, 2025).

9. The following persons filed timely motions for permissive intervention without any objection: Pivot Energy Inc. (“Pivot”) (June 5, 2025); the City of Boulder (“Boulder”) (June 13, 2025); Energy Outreach Colorado (“Energy Outreach”) (June 13, 2025); Western Resource Advocates (“WRA”) (June 13, 2025); SunShare, LLC (“SunShare”) June 16, 2025); The Colorado Solar and Storage Association, Solar Energy Industries Association, and Coalition for Community Solar Access (“Associations”) (June 16, 2025); and Climax Molybdenum Company (“Climax”) (June 16, 2025).

10. Cloudbreak Energy Partners, LLC (“Cloudbreak”) filed an untimely request for permissive intervention on July 1, 2025 with no objection. GreenLatinos, GRID Alternatives, and

² See Decision No. C25-0483 at p. 1.

³ *Id.*

⁴ Decision No. C25-0532-I covered numerous topics that are not discussed in this Decision. Please refer to Decision No. C25-0532-I directly for a detailed explanation.

⁵ *Id.* at p. 10.

Vote Solar (collectively, “EJC”) filed an untimely request for permissive intervention on July 22, 2025 with no objection.

II. DISCUSSION AND FINDINGS

A. Interventions

11. Commission rules allow for two types of interventions in proceedings such as this one: interventions of right and permissive interventions.⁶ Staff may intervene of right in any Commission proceeding and need not state the basis for a legally protected right that may be affected by the proceeding.⁷ Any other person⁸ wishing to intervene of right must identify the basis for the legally protected right that may be affected by the proceeding.⁹ Persons seeking to permissively intervene must establish that the proceeding may substantially impact their pecuniary or tangible interests (or those it may represent), and that those interests will not be otherwise adequately represented.¹⁰ In addition, the person seeking to permissively intervene must state the specific grounds for the intervention; the claim or defense within the Commission’s jurisdiction on which the intervention is based; and why the movant is positioned to present that interest in a manner that will advance the just resolution of the proceeding.¹¹

12. The Commission has discretion to grant or deny motions for permissive intervention.¹² This discretion is based on the Commission’s determination of whether the person seeking permissive intervention has satisfied the requirements of Rule 1401(c).¹³

⁶ Rule 1401(b) and (c) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1.

⁷ See Rule 1401(b) and Rule 1401(e), 4 CCR 723-1.

⁸ Rule 1004(v), 4 CCR 723-1, defines “Person” as “Commission staff or any individual, firm, partnership, corporation, company, association, cooperative association, joint stock association, joint venture, governmental entity, or other legal entity.

⁹ Rule 1401(b), 4 CCR 723-1.

¹⁰ Rule 1401(c), 4 CCR 723-1.

¹¹ *Id.*

¹² See, e.g., *Pub. Serv. Co. v. Trigen-Nations Energy Co. L.L.P.*, 982 P.2d 316, 327 (Colo. 1999).

¹³ *Id.*

1. Interventions of Right

13. UCA, CEO, and Staff filed timely interventions of right.¹⁴ The ALJ acknowledges UCA, CEO, and Staff's interventions and they are acknowledged as parties to this Proceeding.

2. Timely Requests for Permissive Intervention

14. **Pivot's Intervention.** Pivot seeks to permissively intervene in this Proceeding through its Motion for Permission Intervention ("Pivot Intervention"). Pivot states that no person objected to Pivot's Intervention.¹⁵ In support of its intervention, Pivot states that it is a renewable energy provider and independent power producer that develops, finances, builds, owns, and operates distribution-interconnected solar and energy storage projects, and that Pivot is headquartered in Denver, Colorado.¹⁶ Pivot states that it has pecuniary and tangible interests in the Proposed RE Plan and that this Proceeding will address matters that are highly pertinent to Pivot's business, including the outcome regarding the design, procurement structure, and contracting requirements for programs in the Proposed RE Plan.¹⁷ Pivot states that other parties, including trade groups, cannot adequately represent Pivot's unique interests.¹⁸ As there have been no responses to Pivot's Intervention, it is deemed confessed and unopposed.¹⁹ Because Pivot's Intervention is unopposed, and based on the information in its intervention, the ALJ will grant Pivot's Intervention.

15. **Energy Outreach's Intervention.** Energy Outreach seeks to permissively intervene in this Proceeding through its Motion for Permissive Intervention ("Energy Outreach Intervention"). Energy Outreach states that no person objected to Energy Outreach's

¹⁴ No person objected to these interventions.

¹⁵ Pivot Intervention at p. 1

¹⁶ *Id.* at p. 3.

¹⁷ *Id.*

¹⁸ *Id.* at p. 4.

¹⁹ Rule 1400(d), 4 CCR 723-1.

Intervention.²⁰ In support of its intervention, Energy Outreach states that it is a Colorado nonprofit corporation whose mission is to ensure that Colorado's Income-Qualified ("IQ") households can meet their home energy needs, and Energy Outreach collects and disburses low-income energy assistance funds through a variety of programs.²¹ Energy Outreach states it has a vested interest in ensuring that IQ customer needs are recognized and in ensuring that utility rates are just and reasonable such that Energy Outreach "is not burdened with increased assistance payments and other crisis mitigation disbursements".²² As there have been no responses to Energy Outreach's Intervention, it is deemed confessed and unopposed.²³ Because Energy Outreach's Intervention is unopposed, and based on the information in its intervention, the ALJ will grant Energy Outreach's Intervention.

16. **Boulder's Intervention.** Boulder seeks to permissively intervene in this Proceeding through its Unopposed Motion for Permission to Intervene and Entry of Appearance ("Boulder Intervention"). Boulder states that no person objected to Boulder's Intervention.²⁴ In support of its intervention, Boulder states that it is a legally-established, organized, and existing home rule city and municipal corporation created pursuant to the Colorado Constitution and the Boulder Home Rule Charter.²⁵ Boulder states in its intervention that it is a large customer of Public Service, and that its citizens and businesses are also customers.²⁶ Boulder states that it has pecuniary and tangible interests that may be substantially affected by the outcome of this Proceeding, including but not limited to eight different potential issues it identified in the Proposed

²⁰ Energy Outreach Intervention at p. 1.

²¹ *Id.*

²² *Id.* at p. 2.

²³ Rule 1400(d), 4 CCR 723-1.

²⁴ Energy Outreach Intervention at p. 1.

²⁵ Boulder Intervention at p. 1.

²⁶ *Id.*

RE Plan, and that no other party can adequately represent Boulder's interests.²⁷ As there have been no responses to Boulder's Intervention, it is deemed confessed and unopposed.²⁸ Because Boulder's Intervention is unopposed, and based on the information in its intervention, the ALJ will grant Boulder's Intervention.

17. **WRA's Intervention.** WRA seeks to permissively intervene in this Proceeding through its Motion for Permissive Intervention of Western Resource Advocates ("WRA Intervention"). No person filed any objection to WRA's Intervention. In support of its intervention, WRA states that it is a regional nonprofit advocacy organization that fights climate change and its impacts to sustain the environment, economy, and citizens.²⁹ Specifically, WRA's Clean Energy Program works on policies to reduce environmental impacts of utilities in the Interior West through advocacy.³⁰ WRA states that the outcome of this Proceeding may substantially affect WRA's tangible interests, specifically environmental protection through reduction of carbon dioxide emissions in Colorado.³¹ WRA also notes that it is a conservation organization with unique and specific knowledge and experience concerning Colorado utility regulation, and no other party will adequately represent WRA's unique interests in this Proceeding.³² As there have been no responses to WRA's Intervention, it is deemed confessed and unopposed.³³ Because WRA's Intervention is unopposed, and based on the information in its intervention, the ALJ will grant WRA's Intervention.

²⁷ *Id.* at p. 3.

²⁸ Rule 1400(d), 4 CCR 723-1.

²⁹ WRA Intervention at p. 1.

³⁰ *Id.* at pp. 1-2.

³¹ *Id.* at p. 4.

³² *Id.* at p. 5.

³³ Rule 1400(d), 4 CCR 723-1.

18. **The Associations’ Intervention.** The Associations seek to permissively intervene in this Proceeding through The Colorado Solar and Storage Association, Solar Energy Industries Association, and Coalition for Community Solar Access’ Joint Motion to Intervene, Request for Hearing, Entry of Appearance, and Request to Set Response Time to Public Service Company of Colorado’s Omnibus Motion (“The Associations’ Intervention”).³⁴ No person filed any objection to the Associations’ Intervention. The Associations assert that Colorado Solar and Storage Association (“COSSA”) is a nonprofit trade association that serves energy professionals, solar companies, energy storage providers, and renewable energy users in Colorado.³⁵ COSSA’s membership consists of renewable energy users and nearly 300 solar- and storage-related businesses and advocates, many of whom operate in Public Service’s territory.³⁶ The Associations state that the Solar Energy Industries Association (“SEIA”) is a national trade association for the United States solar energy industry and that SEIA represents all organizations that promote, manufacture, and install and support the development of solar energy.³⁷ The Associations state that SEIA represents solar companies doing business within Public Service’s territory.³⁸ The Associations assert that the Coalition for Community Solar Access (“CCSA”) is a nonprofit trade organization focused on supporting the community solar industry through legislative and regulatory efforts, and many of its members develop community-scale solar and solar-plus-storage projects.³⁹ In support of their intervention, the Associations state that the capacity, programmatic, and incentive changes that Public Service proposes will have a direct impact on the business

³⁴ The Associations’ request related to Public Service’s Omnibus Motion will be discussed in a later decision.

³⁵ The Associations’ Intervention, pp. 1-2.

³⁶ *Id.* at p. 2.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* at pp. 2-3.

interest of the Associations' members.⁴⁰ The Associations state that they participate in the programs at issue in the Proposed RE Plan, and that consequently, this Proceeding may substantially affect the pecuniary or tangible interests of their members.⁴¹ The Associations assert that they are well positioned to represent the interests of the solar and storage providers and developers that comprise their membership, and that as such they can provide the Commission with a unique perspective on many aspects of this Proceeding.⁴² As there have been no responses to the Associations' Intervention, it is deemed confessed and unopposed.⁴³ Because the Associations' Intervention is unopposed, and based on the information in its intervention, the ALJ will grant the Associations' Intervention.

19. **Climax's Intervention.** Climax seeks to permissively intervene in this Proceeding through its Motion to Intervene Permissively ("Climax Intervention"). Climax noted that Public Service took no position on Climax's Intervention and no person filed any objection to Climax's Intervention.⁴⁴ In support of its intervention, Climax states that it operates the Climax and Henderson molybdenum mines and related facilities near Leadville and Empire, Colorado, respectively.⁴⁵ The specific grounds for its intervention relate to Climax's concerns over certain aspects of the Proposed RE Plan, specifically related to electronic cost adjustment cost, which represent a significant portion of Climax's electricity bills.⁴⁶ In support of its intervention, Climax notes that it is one of Public Service's largest customers. Climax identifies seven specific issues it intends to investigate related to rates and cost adjustments and claims that the Commission's

⁴⁰ *Id.* at p. 4.

⁴¹ *Id.*

⁴² *See id.*

⁴³ Rule 1400(d), 4 CCR 723-1.

⁴⁴ Climax Intervention, p. 1.

⁴⁵ *Id.*

⁴⁶ *Id.* at p. 3.

decisions related to these and other issues “will directly and substantially affect the cost, reliability, and adequacy of Climax’s electricity service that is necessary for mining and milling molybdenum,” and will therefore substantially affect Climax’s tangible and pecuniary interests.⁴⁷ Climax further avers that its interests, as one of Public Service’s largest electric customers are unique and will not be adequately represented by any other party.⁴⁸ As there have been no responses to Climax’s Intervention, it is deemed confessed and unopposed.⁴⁹ Because Climax’s Intervention is unopposed, and based on the information in its intervention, the ALJ will grant Climax’s Intervention.

20. **SunShare’s Intervention.** SunShare seeks to permissively intervene in this Proceeding through its Motion for Leave to Intervene of SunShare, LLC and Entry of Appearance (“SunShare Intervention”). No person filed any objection to SunShare’s Intervention. In support of its intervention, SunShare states that it is a Denver-based community solar developer and subscriber organization that develops, owns, and operates its projects for the life of the asset, including projects in Colorado and other states.⁵⁰ SunShare states that its pecuniary interest and ability to develop community solar gardens in Public Service’s service territory would be significantly impacted by Public Service’s Application.⁵¹ SunShare states that no other potential intervenor in this Proceeding will adequately represent its interests as they have different viewpoints and focuses.⁵² As there have been no responses to SunShare’s Intervention, it is deemed

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Rule 1400(d), 4 CCR 723-1.

⁵⁰ SunShare Intervention at p. 2.

⁵¹ *Id.* at p. 3-4.

⁵² *Id.* at p. 2.

confessed and unopposed.⁵³ Because SunShare's Intervention is unopposed, and based on the information in its intervention, the ALJ will grant SunShare's Intervention.

3. Untimely Requests for Permissive Intervention

21. **Cloudbreak's Intervention.** Cloudbreak seeks to permissively intervene in this Proceeding through its Petition for Late Intervention by Permission ("Cloudbreak Intervention"). Cloudbreak noted in its intervention that no person who had filed an intervention of right objected to it, and no person filed any objection to Cloudbreak's Intervention.⁵⁴ Cloudbreak acknowledges that it filed its intervention after the deadline and requests that the ALJ allow the late intervention pursuant to Rule 1401(a), 4 CCR 723-1, which allows a party to intervene late for good cause shown subject to reasonable procedural requirements. Cloudbreak argues that good cause exists because: (a) recent federal legislative developments may impact Public Service's Dispatchable Distributed Generation procurement proposal and Inclusive Community Solar offerings; (b) the Commission previously ruled that the Application in this Proceeding shall not be automatically deemed complete on July 1, 2025; and (c) Cloudbreak's conversations after the deadline with COSSA, of which Cloudbreak is a member, revealed that COSSA and Cloudbreak may not be aligned on particular aspects of the Proposed RE Plan.⁵⁵ The ALJ finds that Cloudbreak has established good cause for the lateness of its petition for permissive intervention. As the Application has not been deemed complete and interventions had not been addressed when Cloudbreak filed its petition, there are no procedural concerns related to the late intervention.

22. With regard to the merits of Cloudbreak's Intervention, Cloudbreak states that it is one of the largest developers of community solar in Colorado and has a capacity of more than

⁵³ Rule 1400(d), 4 CCR 723-1.

⁵⁴ Cloudbreak Intervention at p. 1.

⁵⁵ *Id.* at p. 2.

70MW (“megawatts”) through prior distributed-generation programs offered by Public Service, as well as other projects in development in Public Service’s service territory.⁵⁶ Cloudbreak avers that the Proposed RE Plan will substantially impact its pecuniary interests.⁵⁷ Although Cloudbreak acknowledges that other distributed-solar developers, Pivot and SunShare, have already moved to intervene in this Proceeding, Cloudbreak contends that neither Pivot nor SunShare can adequately represent its interests because they operate in different market segments, are competitors to Cloudbreak, and unlike Cloudbreak, are independent power producers.⁵⁸ Cloudbreak also notes that its interests are not aligned with the other potential intervenors. Additionally, as stated above, after recent conversations with COSSA, Cloudbreak does not believe they are aligned on certain issues.⁵⁹ As such, Cloudbreak contends its unique interests cannot be adequately represented by the other potential intervenors. As there have been no responses to Cloudbreak’s Intervention, it is deemed confessed and unopposed.⁶⁰ Because Cloudbreak’s Intervention is unopposed, and based on the information in its intervention (including establishing good cause for the late filing), the ALJ will grant Cloudbreak’s Intervention.

23. **EJC’s Intervention.** EJC seeks to permissively intervene in this Proceeding through its GreenLatinos, GRID Alternatives, and Vote Solar’s Joint Motion for Late Intervention by Permission; Entry of Appearance; and Notice of Financial Disclosure (“EJC Intervention”). EJC noted in its intervention that no person who had filed an intervention of right or request for permissive intervention objected to it⁶¹, and no person has filed any objection to EJC’s

⁵⁶ *Id.* at pp. 2-3.

⁵⁷ *Id.* at p. 3.

⁵⁸ *Id.* at p. 4.

⁵⁹ *Id.*

⁶⁰ Rule 1400(d), 4 CCR 723-1.

⁶¹ EJC noted that Pivot, the Associations, SunShare, Boulder, and Cloudbreak support EJC’s intervention.

Intervention.⁶² EJC acknowledges that it filed its intervention after the deadline and requests that the ALJ allow the late intervention pursuant to Rule 1401(a), 4 CCR 723-1, which allows a party to intervene late for good cause shown subject to reasonable procedural requirements. EJC argues that good cause exists because: (a) recent federal legislative that passed after the intervention deadline could potentially alter proposed equity spending outlined in the Proposed RE Plan; and (b) because the Commission should weigh the importance of the EJC's input on certain legislative requirements related to disproportionately-impacted ("DI") communities.⁶³ The ALJ finds that EJC has established good cause for the lateness of its petition for permissive intervention. As the Commission deemed the Application complete on July 21, 2025 and interventions had not been addressed when EJC filed its petition, there are no procedural concerns related to the late intervention.

24. EJC asserts that GreenLatinos is a national nonprofit organization that brings together various Latino leaders who are committed to addressing environmental, natural resources, and conservation issues that significantly affect the health and welfare of the Latino community.⁶⁴ EJC states that GRID Alternatives is a 501(c)(3) nonprofit solar energy installer whose mission is to build community-powered solutions to advance economic and environmental justice through renewable energy.⁶⁵ EJC also asserts that Vote Solar is an independent 501(c)(3) nonprofit organization that works to repower the United States with clean energy by making solar power more accessible and affordable through effective policy advocacy.⁶⁶ In support of their intervention, EJC states that the Proposed RE Plan will substantially affect its members' and

⁶² EJC Intervention at p. 12.

⁶³ *Id.* at p. 10.

⁶⁴ *Id.* at p. 2.

⁶⁵ *Id.* at p. 4.

⁶⁶ *Id.* at p. 8.

customers' interests.⁶⁷ For example, EJC states that: GreenLatinos and its members will tangibly benefit from more equitable and robust IQ rooftop solar and community solar programs in the Proposed RE Plan; and GRID Alternatives and Vote Solar have substantial and tangible interests in equitable distributed-generation programs that accelerate the transition to clean energy in the IQ and/or DI communities that they serve, which includes Public Service's territory.⁶⁸ EJC also asserts that no other intervenor share the particular aligned interests with EJC to ensure DI communities maintain access and equity in the Proposed RE Plan.⁶⁹ EJC also distinguishes its interests from those of the UCA's.⁷⁰ Because EJC's Intervention is unopposed, and based on the information in its intervention (including establishing good cause for the late filing), the ALJ will grant EJC's Intervention.

25. Based on the foregoing, in addition to Public Service, the following are parties to this Proceeding: UCA, CEO, Staff, Pivot, Energy Outreach, Boulder, WRA, SunShare, the Associations, Climax, Cloudbreak, and EJC.

B. Omnibus Motion

26. Public Service's Omnibus Motion contains three requests: (a) an order authorizing it to extend its 2022-2025 Renewable Energy ("RE") Compliance Plan and RE Standard Adjustment until its Proposed RE Plan is approved; (b) an order granting it waivers from certain Commission rules, tariffs, and decisions⁷¹; and (c) an order granting extraordinary protection for certain highly confidential information.⁷²

⁶⁷ *Id.* at p. 2.

⁶⁸ *Id.* at pp. 3, 4, and 6.

⁶⁹ *Id.* at p. 9.

⁷⁰ *Id.*

⁷¹ Public Service noted that this portion of the motion does not need to be ruled upon until the final order is issued. However, procedurally, this requested relief is outstanding and the parties will be given an opportunity to respond.

⁷² *See* Omnibus Motion.

27. By Decision No. C25-0532-I, the Commission set a deadline of August 4, 2025 for responses to the portion of Public Service's Omnibus Motion pertaining to its Motion to Extend its 2022-2025 RE Compliance Plan and RE Standard Adjustment. The ALJ will extend this deadline to **August 11, 2025**.

28. In addition, the ALJ will set a deadline of **August 11, 2025** for all parties to respond to the other two requests for relief in Public Service's Omnibus Motion. The ALJ requests that a party make a single filing to respond to the Omnibus Motion.⁷³

C. Parties to Confer and Develop Consensus Procedural Schedule

29. In anticipation of a remote evidentiary hearing on the Application, the ALJ directs the parties to confer, and requires Public Service to file a proposed consensus procedural schedule by **August 15, 2025**. The below information provides important instruction on the matters the parties must consider as they confer and submit a proposed procedural schedule.

30. First, in proposing a hearing date, the parties should ensure that they allot an appropriate amount of time to conclude the hearing (*e.g.*, one full day versus two or more days). In doing so, the parties should assume that the ALJ will use some time to examine witnesses.

31. Second, proposed hearing date(s) must accommodate the hearing being complete by **November 20, 2025**. Unless Public Service waives the statutory deadline for a final Commission decision, the ALJ cannot accommodate a later hearing date.⁷⁴ That is because this Proceeding involves significant issues with a large number of parties, making it vital to ensure there is enough time to issue a thoughtful and thorough recommended decision, and to allow for

⁷³ CEO will need to file a second pleading if it responds to the other two requests for relief. *See* CEO Response to Motion to Extend.

⁷⁴ It is, of course, Public Service's choice whether to waive the statutory deadline. The ALJ neither encourages nor discourages Public Service to do so. Nonetheless, the ALJ notes that any waiver of the statutory deadline must be a complete waiver; partial waivers are not authorized under § 40-6-109.5(1), C.R.S., and will be rejected if proposed.

exceptions. The ALJ recognizes that the hearing timeline will require a compressed procedural schedule, but under the current procedural posture, it is not possible to accommodate a different procedural schedule.

32. The parties should consult the Commission's public calendar to find available hearing dates. The parties are encouraged to identify hearing dates as soon as possible, and to communicate proposed dates informally to the ALJ via email copied to all parties. Establishing hearing dates first is also necessary because all the other procedural deadlines must accommodate the hearing date(s).

33. Third, the parties' proposed procedural schedule must include deadlines to file the following items: supplemental direct, answer, rebuttal, and cross-answer testimony (testimonial exhibits); witness and exhibit lists; nontestimonial exhibits (exhibits not already filed as testimony or attachments thereto); corrections to exhibits; a joint witness examination matrix listing the order of witnesses and anticipated examination time for all parties; settlement agreements and stipulations; settlement testimony; pre-hearing motions; responses to prehearing motions (if the deadline for prehearing motions is less than 20 days before the hearing); statements of position; and any other filing the parties wish to submit. To avoid confusion and preserve the parties' ability to raise issues via a timely prehearing motion, the deadlines to file corrected and non-testimonial exhibits must be on the same date, and must be before the deadline to file prehearing motions.

34. The parties may include any agreements they have reached on discovery in their proposed procedural schedule.

35. As indicated below, Public Service is responsible for submitting the parties' proposed consensus procedural schedule.

36. *The parties are advised and on notice* that any failure to file the required proposed consensus procedural schedule or agree to a procedural schedule will result in the ALJ selecting hearing dates and other deadlines without further input from the parties. In that event, after scheduling the hearing, the ALJ will not consider future requests to reschedule the hearing or move deadlines, unless the requesting party files a motion demonstrating good cause.

III. ORDER

A. It Is Ordered That:

1. The notices of intervention filed by the Office of the Utility Consumer (“UCA”), the Colorado Energy Office (“CEO”), and Trial Staff of the Public Utilities Commission (“Staff”), filed May 25, 2025, June 13, 2025, and June 18, 2025, respectively, are acknowledged.

2. The motions for permissive intervention filed by the following persons are granted (filing dates for each motion in parentheses): Pivot Energy Inc. (“Pivot”) (June 5, 2025); the City of Boulder (“Boulder”) (June 13, 2025); Energy Outreach Colorado (“Energy Outreach”) (June 13, 2025); Western Resource Advocates (“WRA”) (June 13, 2025); SunShare, LLC (“SunShare”) (June 16, 2025); The Colorado Solar and Storage Association, Solar Energy Industries Association, and Coalition for Community Solar Access (“Associations”) (June 16, 2025); Climax Molybdenum Company (“Climax”) (June 16, 2025); Cloudbreak Energy Partners, LLC (“Cloudbreak”) (July 1, 2025); and GreenLatinos, GRID Alternatives, and Vote Solar (collectively, “EJC”) (July 22, 2025).

3. The parties in this Proceeding are Public Service Company of Colorado (“Public Service”), UCA, CEO, Staff, Pivot, Energy Outreach, Boulder, WRA, SunShare, the Associations, Climax, Cloudbreak, and EJC.

4. The deadline for parties to respond to the requested relief in Public Service's Verified Omnibus Motion to Extend 2022-25 RE Plan; Motion for Issuance of Waivers and Variances Necessary to Implement its 2026-2027 Renewable Energy Compliance Plan; and Motion for Extraordinary Protection ("Omnibus Motion") is **August 11, 2025**. This extends the deadline the Commission set out in Decision No. C25-0532-I. To the extent practicable, parties should file a single response to the Omnibus Motion.

5. The parties must confer on a procedural schedule that addresses all the items discussed in paragraphs 29-36 above.

6. By **August 15, 2025**, Public Service must file a proposed procedural schedule on behalf of all parties addressing all the items discussed in paragraphs 29-36 above.

7. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

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

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

Administrative Law Judge