

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0366E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER APPROVING EXPENSES INCURRED FOR THE PERIOD JANUARY 2024 THROUGH DECEMBER 2024 THAT ARE RECOVERED THROUGH THE ELECTRIC COMMODITY ADJUSTMENT AND PURCHASED CAPACITY COSTS RECOVERED THROUGH THE PURCHASED CAPACITY COST ADJUSTMENT FOR THE SAME PERIOD AND APPROVING THE CALCULATION OF 2024 SHORT TERM SALES MARGINS.

**INTERIM DECISION
SETTING PROCEDURAL SCHEDULE, EXTENDING TIME
FOR A COMMISSION DECISION, GRANTING MOTION
FOR EXTRAORDINARY PROTECTION OF HIGHLY
CONFIDENTIAL INFORMATION AND SCHEDULING
REMOTE EVIDENTIARY HEARING**

Issued Date: November 10, 2025

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I. STATEMENT

1. On September 2, 2025, Public Service Company of Colorado (“Public Service” or the “Company”) filed a Verified Application for approval of the Company’s Electric Commodity Adjustment (“ECA”) and Purchased Capacity Cost Adjustment (“PCCA”) costs for calendar year 2024.

2. The Company seeks approval of the following:
- a. the fuel, purchased energy, purchased wheeling, and other expenses incurred from January 1, 2024 through December 31, 2024, that have been reflected in and recovered through the ECA;
 - b. the purchased capacity expenses incurred by the Company from January 1, 2024, through December 31, 2024, that have been reflected in and recovered through the PCCA; and
 - c. the Company’s calculation of the 2024 Short-Term Sales Margins that have been used to adjust the 2024 ECA Deferred Account Balance.

3. In its application, Public Service submitted the testimony in support of the application.

4. On September 2, 2025, Public Service filed its Motion for Extraordinary Protection of Highly Confidential Information (“Motion for Extraordinary Protection”).

5. On October 1, 2025, the Colorado Office of the Utility Consumer Advocate (“UCA”) filed an Intervention as of Right and Request for Hearing. As grounds for its Intervention, UCA lists a series of issues it plans to inquire into whether the approvals are in the public interest.

6. On October 7, 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 October 22, 2025, the Commission deemed the Application complete and referred this matter by minute entry to an Administrative Law Judge (“ALJ”) for disposition during its weekly meeting.

8. On November 4, 2025, the Public Service filed its Unopposed Motion to Approve Consensus Procedural Schedule and Request Waiver of Response Time (“Motion”).

II. PARTIES TO THE PROCEEDING

A. Interventions of Right

9. Staff and UCA filed timely notices of intervention. In their filings, they outline several issues they plan to address in this Proceeding and request a hearing.

10. Pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1401(b) of the Commission’s Rules of Practice and Procedure, no decision is required in response to appropriately filed notices of intervention by right. The notices of intervention of right are acknowledged. Staff, CEO and the UCA are parties to this Proceeding.

III. TIME TO ISSUE A FINAL COMMISSION DECISION

11. Under § 40-6-109.5(1), C.R.S., when a party files testimony with an application, the Commission must issue a final decision within 120 days after the application is deemed complete, unless the Commission finds that additional time is necessary, in which case, this deadline may be extended by an additional 130-days.¹ If the Commission does not make a determination that an application is complete within 15 days of the application’s notice period’s expiration, and otherwise does not find that the application is not complete or that more information is necessary, the application is automatically deemed complete.²

¹ § 40-6-109.5(1), C.R.S.

² Rule 1303(c)(IV), 4 CCR 723-1.

12. The Commission deemed the Application complete on October 22, 2025. Since the Company filed testimony with its Application, the Commission must issue a final decision within 120 days of date the Application was deemed complete, unless the Commission finds that additional time is necessary.

13. This does not allow enough time for the parties to develop the record and to conduct discovery; to hold an evidentiary hearing; for a recommended decision to issue; for the parties to file exceptions; and for the Commission to address exceptions and issue a final decision. For these reasons, the ALJ finds that additional time is necessary, and therefore extends the statutory deadline for a final Commission decision by 130 days, as allowed by § 40-6-109.5(1), C.R.S.

IV. MOTION FOR EXTRAORDINARY PROTECTION

14. Public Service requests extraordinary protection for competitively sensitive information associated with the Application, including:

- Attachment HDH-1 to Company witness Mr. Harlan D. Hanson's Direct Testimony, which contains unit-level annual equivalent availability percentages and complete Generation Availability Data System ("GADS") data, for the Company's owned fossil generation resources for the prior year and Annual Equipment Equivalent Availability Factor excluding Outside Management Control ("xEEAF"), GADS data consistent with available North American Reliability Corporation ("NERC") reporting requirements, and a comparison of forecasted generation to actual production, for the Company's owned renewable generation resources for the prior year.
- Attachment MGS-1 to Company witness Mr. Mark G. Schultz's Direct Testimony, which contains hourly and unit-level datasets of load and generation for 2024.
- Attachment MGS-3 to Mr. Schultz's Direct Testimony, which contains narrative descriptions of the ten most impactful operational events, measured by volume, involving combustion turbine generation and renewable curtailments or pumping at Cabin Creek facilities during the 2024 calendar year.
- Attachment MGS-4 to Mr. Schultz's Direct Testimony, which contains information subject to confidentiality clauses of purchase power

agreements (“PPAs”) to which the Company is a party, including: (1) the facility / contract name; (2) the type of generator; (3) the nameplate capacity of the facility; (4) the actual generation by year, and (5) the committed energy per the PPA by year; (4) any other information protected by a confidentiality clause of an existing PPA; and (5) any other documents or information, including that to be produced in discovery or testimony, protected by the confidentiality clause of an existing PPA.

- Workpapers supporting Attachments MGS-1, MGS-3, MGS-4, and HDH-1.
- Any other documents or information, including that to be produced in discovery or testimony or during hearing, that could be used to derive the information contained in Attachments HDH-1, MGS-1, MGS-3, and MGS-4.

15. Public Service requests that the Commission afford extraordinary protection for this information by entering an order that it be treated as highly confidential, with access limited as follows:

The Commission, its Advisory Staff, Commission Administrative Law Judges, members of Trial Staff, employees of the Colorado Office of the Utility Consumer Advocate (“UCA”) assigned to this proceeding, and the Assistant Attorneys General representing the Commission, its Staff and the UCA in this proceeding will have access to the Highly Confidential Information;²

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

17. 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.

18. 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

V. PROCEDURAL SCHEDULE FOR REMOTE HEARING

19. The Parties proposed the following procedural schedule in the Unopposed Motion:

Event	Deadline
Answer Testimony	December 15, 2026
Rebuttal/Cross Answer Testimony	January 16, 2026
Prehearing Motions	January 27, 2026
Stipulations/Settlement Agreement	February 3, 2026
Corrections	February 6, 2026
Witness Order/Matrix Settlement Testimony Exhibit List	February 9, 2026
Response to Prehearing Motions	February 10, 2026
Hearing	February 17-18, 2026
Statements of Position	March 11, 2026

20. The proposed procedural schedule and discovery procedures are acceptable and shall be adopted.

21. The discovery procedures contained in Commission Rule 1405 shall govern this proceeding. Discovery requests served on Friday or the day before a Holiday must be served by 3:00 p.m. to be considered served that day, or it will be deemed served the next business day.

22. The parties agree that Rules 1100 and 1101 will govern Confidential and Highly Confidential information filed with the Commission or served as discovery responses in this proceeding.

23. The hearing shall be held remotely.

VI. REMOTE EVIDENTIARY HEARING

24. A hearing in the above captioned proceeding shall be scheduled for March 18 and 19, 2026, at 9:00 a.m. as a remote hearing. At the remote hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this case.

25. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the remote hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic evidence presentations at the remote hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

26. To minimize the potential that the video-conference part of the hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

A. Unified Numbering System for Hearing Exhibits

27. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of hybrid evidentiary hearing.

28. As such, it is essential that the parties ensure they are able to access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

29. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1, regardless of content, before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to the presenting them during the hearing.

30. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

31. To efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Public Service is assigned hearing exhibit numbers 100 to 299;
- UCA is assigned hearing exhibit numbers 300 to 399;
- Staff is assigned hearing exhibit numbers 400 to 499.

VII. ORDER**A. It is Ordered That:**

1. Consistent with the above discussion, the deadline for a final Commission decision to issue in this Proceeding is extended by 130 days, per § 40-6-111, C.R.S.

2. The Colorado Public Utilities Commission Trial Staff (“Staff”) and the Colorado Office of the Utility Consumer Advocate (“UCA”) are acknowledged as parties as of right in this Proceeding.

3. The Motion for Extraordinary Protection of Highly Confidential Cost Information (“Motion for Extraordinary Protection”) filed by Public Service Company of Colorado ("Public Service") on September 2, 2025, is granted consistent with the discussion above.

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

5. In order to have access to the highly confidential information, UCA employees and attorneys must have signed, served, and filed the non-disclosure Agreement provided by Public Service.

6. 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.

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

8. The procedural schedule as stated in the Unopposed Motion and contained above is adopted.

9. A remote hearing is scheduled as follows:

DATE: February 17-18, 2026

TIME: 9:00 a.m.

PLACE: By video conference: using the Zoom web conferencing platform at a link be provided to the participants by email.

10. The parties and witnesses may not distribute the Zoom link and access code to anyone not participating in the remote hearing.

11. All participants in the hearing must comply with the requirements in Attachments A and B to this Decision, which are incorporated herein and, in the discussion above.

12. All evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a) have access to all pre-filed exhibits; and (b) can download and view documents available from box.com during the hearing.

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

14. 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