

Decision No. C14-0186-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14M-0110E

BLACK HILLS CORPORATION, TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC., PUBLIC SERVICE COMPANY OF COLORADO, IN THE MATTER OF COMMISSION RULE 3627 RELATED TO ELECTRIC TRANSMISSION FACILITIES PLANNING, CODE OF COLORADO REGULATIONS 723-3.

PROCEEDING NO. 13M-1167E

IN THE MATTER OF BLACK HILLS CORPORATION SENATE BILL 07-100 DESIGNATION OF ENERGY RESOURCE ZONES AND TRANSMISSION EXPANSION PLAN.

PROCEEDING NO. 13M-1183E

IN THE MATTER OF PUBLIC SERVICE COMPANY OF COLORADO SENATE BILL 07-100 DESIGNATION OF ENERGY RESOURCE ZONES AND TRANSMISSION PLANNING REPORT.

**INTERIM DECISION CONSOLIDATING PROCEEDINGS,
SETTING COMMENT AND RESPONSE PERIOD, AND
DESIGNATING HEARING COMMISSIONER**

Mailed Date: February 19, 2014

Adopted Date: February 19, 2014

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I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of Senate Bill 07-100 Designation of Energy Resource Zones and Transmission Expansion Planning Report filed on October 31, 2013 by Black Hills/Colorado Electric Utility Company (Black Hills);¹ Senate Bill 07-100 Designation of Energy Resource Zones and Transmission Planning Report filed on October 31, 2013 by Public Service Company of Colorado (Public Service);² and Joint 10-Year Transmission Plan and Joint 20-Year Conceptual Scenario Report filed on February 3, 2014 by Black Hills, Public Service, and Tri-State Generation and Transmission Association, Inc. (Tri-State).³

2. Senate Bill 07-100 (SB 07-100), codified at § 40-2-126(2), C.R.S., requires each Colorado electric utility subject to rate regulation by the Commission to do the following on or before October 31 of each odd-numbered year:

- (a) Designate energy resource zones;
- (b) Develop plans for the construction or expansion of transmission facilities necessary to deliver electric power consistent with the timing of the development of beneficial energy resources located in or near such zones;
- (c) Consider how transmission can be provided to encourage local ownership of renewable energy facilities, whether through renewable energy cooperatives as provided in § 7-56-210, C.R.S., or otherwise; and
- (d) Submit proposed plans, designations, and applications for certificates of public convenience and necessity to the Commission for simultaneous review.

¹ Proceeding No. 13M-1167E.

² Proceeding No. 13M-1183E.

³ Proceeding No. 14M-0110E.

3. Black Hills and Public Service do not request any new Certificates of Public Convenience and Necessity (CPCNs) for simultaneous review with the submittal of their SB 07-100 reports.

4. Rules 3625 to 3627 of the Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3 (transmission planning rules) establish a process to coordinate the planning for additional electric transmission in Colorado in a comprehensive, transparent, statewide basis, taking into account the needs of all stakeholders.⁴ These rules require Black Hills, Public Service, and Tri-State (collectively, Utilities) to file biennial transmission plans with the Commission. The Utilities filed their first Joint 10-Year Transmission Plan on February 1, 2012.⁵ The Commission found that transmission plan to be adequate and provided additional directives to the Utilities regarding the 2014 10-Year Transmission Plan and 20-Year Conceptual Scenario Report.⁶

B. Consolidation

5. The SB 07-100 transmission planning activities are not undertaken in isolation, but are part of a larger, coordinated planning effort. The Joint 10-Year Transmission Plan lists SB 07-100 projects by Public Service and Black Hills. In addition, neither Public Service nor Black Hills included requests for CPCNs in their SB 07-1000 reports. Therefore, the statutory requirement that the Commission issue a final decision on the CPCNs within 180 days after the filing date of the reports does not apply.

⁴ The Commission adopted these rules by Decision No. C11-0318, mailed March 23, 2011, in Proceeding No. 10R-526E.

⁵ Pursuant to Rule 3627(e), the filing of the 20-Year Conceptual Long-Range Scenarios was not required until February 1, 2014. Therefore, it was not filed along with the 10-Year Transmission Plan on February 1, 2012.

⁶ Decision No. R12-1431, mailed December 13, 2012 in Proceeding No. 12M-102E.

6. We find good cause to consolidate Proceeding Nos. 13M-1167E, 13M-1183E, and 14M-0110E pursuant to Rule 1402 of the Rules of Practice and Procedure, 4 CCR 723-1. We find that the issues are substantially similar and the rights of the parties will not be prejudiced. All future filings shall be filed into Proceeding No. 14M-0110E.

C. Comment and Response Period

7. Rule 3627(h) requires the Commission to solicit written comments on the 10-year transmission plan and the 20-year scenario report. The Commission also encouraged interested parties to file written comments on SB 07-100 reports in previous proceedings.

8. By this Decision, the Commission provides notice of the two SB 07-100 reports, the Joint 10-Year Transmission Plan, and the Joint 20-Year Conceptual Scenario Report. The Commission invites interested parties to comment on these filings, on or before **March 28, 2014**. The Utilities may file their response comments on or before **April 25, 2014**. The Commission will assess the needs and date(s) for a workshop and/or a hearing after it reviews the comments and response comments.

D. Hearing Commissioner

9. We designate Commissioner Pamela J. Patton as the Hearing Commissioner for this proceeding.

II. ORDER

A. It Is Ordered That

1. Proceeding Nos. 13M-1167E, 13M-1183E, and 14M-0110E are consolidated. Proceeding No. 14M-0110E is designated as the primary (or lead) proceeding. All future filings regarding the Senate Bill 07-100 (SB 07-100) reports by Black Hills/Colorado Electric Utility Company (Black Hills) and Public Service Company of Colorado (Public Service), as well as the

Joint 10-Year Transmission Plan, and the Joint 20-Year Conceptual Scenario Report filed by Tri-State Generation and Transmission, Inc., Public Service, and Black Hills (collectively, Utilities) shall be filed into Proceeding No. 14M-0110E.

2. Interested parties may file written comments on the two SB 07-100 reports, the Joint 10-Year Transmission Plan, and the Joint 20-Year Conceptual Scenario Report on or before **March 28, 2014**.

3. The Utilities may file responsive comments on or before **April 25, 2014**.

4. Commissioner Pamela J. Patton is designated as the Hearing Commissioner for this Proceeding.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 19, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners