

Decision No. C14-1128-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0302E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS SOLAR*CONNECT PROGRAM.

PROCEEDING NO. 14A-0301E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL TO ISSUE TARGETED REQUEST FOR PROPOSALS TO ACQUIRE GENERATION RESOURCES TO SUPPORT THE SOLAR*CONNECT PROGRAM.

**INTERIM DECISION GRANTING
IN PART AND DENYING IN PART
MOTION FOR EXTRAORDINARY PROTECTION**

Mailed Date: September 17, 2014

Adopted Date: September 10, 2014

I. BY THE COMMISSION

A. Statement

1. On August 14, 2014, Public Service Company of Colorado (Public Service) filed a Motion for Extraordinary Protection (Motion) for two categories of information referenced in its testimony and requested by other parties. The first category is natural gas price forecasts developed by three consulting firms, and the second is model output files containing: (a) unit level delivered fuel costs; (b) unit level heat rate curves; (c) unit detailed maintenance schedules; (d) hourly market price data; and (e) bid information. Public Service requests restricting the gas price forecast data to only the Public Utilities Commission (Commission or PUC), its Advisory Staff, Trial Staff, and their respective attorneys. Public Service requests the

same restrictions for the modeling outputs, but grants access of the modeling outputs also to the Office of Consumer Counsel (OCC) and its attorneys.

2. Public Service's Motion asserts these data constitute highly sensitive competitive and strategic information, and the gas price forecasting data are subject to confidentiality agreements with third party vendors. Public Service says the rules governing confidential information and nondisclosure agreements do not provide the protections necessary under these circumstances.

3. Vote Solar and Western Resource Advocates filed responses in opposition to Public Service's Motion. Vote Solar seeks access to both categories of data, and Western Resource Advocates requests only the modeling outputs. Public Service filed a reply in support of its Motion.

4. The briefing filed by Public Service, Vote Solar, and Western Resource Advocates outlines the issues raised by the Motion as: 1) whether the subject information is entitled to protections beyond those granted to confidential information under the Commission's rules; and, 2) if so, the extra protections the Commission should apply to the information. Vote Solar and Western Resource Advocates say the requested information is relevant to issues raised and testimony filed in the case, and Public Service does not contend otherwise.

5. The Commission grants in part and denies in part Public Service's Motion. The Commission grants Public Service's request to classify the gas price forecast and modeling output data as subject to protections beyond those granted to confidential information under Commission rules. The Commission denies Public Service's Motion to permit access to the information to only the Commission, Trial Staff, the OCC and their respective attorneys. Vote Solar and Western Resource Advocates have demonstrated a need for the information to

prepare their respective positions in this case, and no party contends the data are irrelevant. The Commission grants Vote Solar and Western Resource Advocates access to the data under the conditions stated in this Interim Decision.

6. Public Service will provide the natural gas price forecasts to the Commission, its Advisory Staff, Trial Staff, and their respective attorneys. Public Service will provide the natural gas price forecasts also to Vote Solar, limited to its counsel of record and one expert. Public Service will disclose the model output data to the Commission, its Advisory Staff, Trial Staff, the OCC, and their respective attorneys. The modeling outputs also will be available to counsel of record for Vote Solar and one of its experts, and to counsel of record for Western Resource Advocates and one of its experts.

7. Counsel and experts entitled to the natural gas price forecasts and modeling outputs under this Interim Decision must execute and file with the PUC a nondisclosure agreement in the forms attached as Exhibits 1 and 2, respectively, unless subject to an annual nondisclosure agreement executed in accordance with the Commission's Rules of Practice and Procedure. Persons disclosing or receiving information under this Interim Decision are subject to Commission Rule 1101 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, addressing confidential information.

II. ORDER

A. It Is Ordered That:

1. Public Service Company of Colorado's Motion for Extraordinary Protection is granted in part, and denied in part, as stated in this Interim Decision.
2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 10, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners