

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19M-0005E

IN THE MATTER OF THE YEAR 2019 FILINGS BY COLORADO ELECTRIC UTILITIES IN ACCORDANCE WITH RULE 4 CCR 723-3-3206 FOR THE DESIGNATION OF ELECTRIC UTILITY TRANSMISSION FACILITIES WHETHER THE FACILITIES ARE IN THE NORMAL COURSE OF BUSINESS OR AN APPLICATION TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS REQUIRED.

**COMMISSION DECISION GRANTING
APPLICATION FOR REHEARING,
REARGUMENT, OR RECONSIDERATION
FOR THE SOLE PURPOSE OF
TOLLING THE STATUTORY TIME LIMIT**

Mailed Date: September 18, 2019
Adopted Date: September 11, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application filed on August 19, 2019, by Tri-State Generation and Transmission Association, Inc. (Tri-State) seeking rehearing, reargument, or reconsideration (RRR) of Decision No. C19-0638. By this Decision, we grant Tri-State's application for RRR for the sole purpose of tolling the 30-day statutory time limit in § 40-6-114(1), C.R.S., to act upon such application. We will issue a future order ruling upon the merits of the RRR.

B. Findings and Conclusions

2. On July 30, 2019, the Commission issued Decision No. C19-0638 in this Proceeding, making certain determinations regarding utility transmission projects pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-3-3206(d) of the Commission's Rules

Regulating Electric Utilities. The Commission found certain of Tri-State's transmission projects required a Certificate of Public Convenience and Necessity (CPCN) or a formal determination that no CPCN is required.

3. On August 19, 2019, Tri-State filed an application for RRR, requesting reconsideration of the Commission's finding that Tri-State must obtain a CPCN or a determination that no CPCN is required for Tri-State's Windtalker 230 kV Switchyard Project and the Spanish Peaks Solar Farm Interconnection Project. In its RRR, Tri-State argues that these projects should properly be considered either in the ordinary course of business or exempt from Rule 4 CCR 723-3-3206(b)(I) under the Commission's practice of not requiring CPCNs for generation interconnection facilities. Tri-State also raises concern that requiring a CPCN for the Windtalker project could jeopardize the project's viability because of the time constraints to qualify for the full Federal Production Tax Credit.

4. Pursuant to § 40-6-114(1), C.R.S., the Commission is required to consider and act upon an application for RRR within 30 days of its filing (in this case, by September 18, 2019) or the RRR will be denied by operation of law. We find that, due to the press of other business, the Commission requires further time to consider this application for RRR. Therefore, to preclude a denial by operation of law, we grant the RRR for the sole purpose of tolling the statutory time limit.

5. This grant is procedural, and undertaken only to toll the statutory time limit in § 40-6-114(1), C.R.S. We will consider the merits of the RRR at a future Commissioners' Weekly Meeting and by separate order, will rule upon the merits of the RRR.

II. ORDER

A. The Commission Orders That:

1. The application for rehearing, reargument, or reconsideration of Decision No. C19-0638, filed on August 19, 2019, by Tri-State Generation and Transmission Association, Inc., is granted, consistent with the discussion above.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 11, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners