

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 20M-0012E

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IN THE MATTER OF THE YEAR 2020 FILINGS BY COLORADO ELECTRIC UTILITIES IN ACCORDANCE WITH RULE 4 CCR 723-3-3205 FOR THE DETERMINATION OF WHETHER NEW OR EXPANDED GENERATION FACILITIES ARE IN THE NORMAL COURSE OF BUSINESS OR AN APPLICATION TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS REQUIRED.

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**INTERIM DECISION PROVIDING NOTICE  
OF FILINGS, WAIVING COMMISSION RULE, AND  
ESTABLISHING DATE FOR FILING COMMENTS**

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Mailed Date: May 21, 2020  
Adopted Date: May 20, 2020

**I. BY THE COMMISSION**

**A. Statement**

1. Rule 3205(c) of the Colorado Public Utilities Commission's (Commission) Rules

Regulating Electric Utilities, 4 *Code of Colorado Regulations* 723-3, requires:

[f]or each new construction or expansion of existing generation that will result in an increase in generating capacity of ten megawatts or more, the electric utility shall submit to the Commission, no later than April 30 of each year, a filing for a determination of which of the utility's proposed new construction or expansions for the next three calendar years, commencing with the year following the filing, are necessary in the ordinary course of business and which require a certificate of public convenience and necessity prior to construction.

2. Public Service Company of Colorado, on April 30, 2020, filed information on the proposed replacement of certain turbine parts for the combustion turbine units 1 and 2 at Rocky Mountain Generating Station which will result in an estimated 39 MW of increased capacity. Specific information on the project may be found in the utility's report filing in this proceeding on file with the Commission.

3. Black Hills Colorado Electric, LLC (Black Hills), filed correspondence on April 13, 2020, stating that it “does not have new or expanded generation projects, greater than 10 MW and planned for the next three years (2021-2023), for which the Company: 1) needs a Commission determination whether such projects are normal course of business; or, 2) will require a certificate of public convenience and necessity (‘CPCN’) prior to construction.”<sup>1</sup>

4. Rule 3205(d) provides that the Commission will give notice of the filings to those who, in the opinion of the Commission, may be interested in the filings, and provides for comments to be filed by May 15, 2020.

5. Due to an administrative oversight, no notice of the filings was issued prior to the comment due date of May 15, 2020. As permitted by Commission Rule 1003 *et al.* of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, the Commission will waive Rule 3205(d).

6. This Decision serves as notice of the utility filings made pursuant to Commission Rule 3205(c).

7. Rule 3205(e)(II) directs Commission Staff to review the filings and comments, and to make recommendations to the Commission by July 31, 2020.

## II. ORDER

### A. It Is Ordered That:

1. Notice is hereby given that the above investor-owned utilities have submitted information concerning the proposed construction of generation facilities in accordance with Rule 3205 of the Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* 723-3. Pursuant to that rule, interested parties are notified that the information is available for inspection

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<sup>1</sup> Black Hills Correspondence at 1.

at the offices of the Commission during regular business hours or on the Commission’s online E-Filings system.

2. Rule 3205(d) of the Commission’s Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* 723-3 is waived.

3. On or before **June 30, 2020**, any interested party may file comments about the projects identified by the information now filed with the Commission. The Commission will consider any comments in determining which projects do not require a Certificate of Public Convenience and Necessity and which projects will require the utility to file an application for a Certificate of Public Convenience and Necessity.

4. Commission Staff shall, pursuant to Rule 3205(e)(II), review the filings and any comments received, and make recommendations to the Commission by July 31, 2020.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING  
May 20, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners