

Decision No. C21-0061

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0528E

IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR APPROVAL OF ITS 2020 ELECTRIC RESOURCE PLAN.

**COMMISSION DECISION GRANTING MOTION
FOR PARTIAL VARIANCE AND
WAIVER OF RESPONSE TIME**

Mailed Date: February 4, 2021

Adopted Date: February 3, 2021

I. BY THE COMMISSION

A. Statement

1. This Decision grants the Motion for Partial Variance from Decision C20-0876-I and Rule 1303(c)(II) and Request for Waiver of Response Time (Motion) filed on February 1, 2021 by Tri-State Generation and Transmission Association, Inc. (Tri-State). The Motion requests extension of a ten-day deadline required under Rule 1303(c)(II) and Decision No. C20-0876-I to improve the record in response to a Notification of Deficiencies (Deficiency Notice) filed by Commission Trial Staff (Staff) on January 25, 2021.

B. Discussion

2. On December 1, 2020, pursuant to Commission Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3, Tri-State submitted an application seeking approval of its Electric Resource Plan (ERP). The ERP application followed a review proceeding designed to educate potential ERP interveners, Proceeding No. 20A-0218E, which

culminated in Decision No. C20-0820, issued November 25, 2020, that required additional information and modifications for Tri-State's full ERP application in the instant proceeding.

3. On December 7, 2020, Tri-State filed a Notice of Planned Supplement indicating that, given the limited time available, it would need until January 15, 2021, to fully comply with Commission directives in Decision No. C20-0820.

4. Recognizing that the Notice of Planned Supplement impacted the procedural schedule, the Commission issued Decision No. C20-0876-I, extending by ten days after the planned ERP supplement the deadline for Staff to complete their evaluation of application completeness and submit a Deficiency Notice. Staff timely submitted the Deficiency Notice on January 25, 2021. Under Rule 1303(c)(II) of 4 CCR 723-3, Tri-State has ten days to respond to a Deficiency Notice.

5. In its Motion, Tri-State requests an eight-day extension (to February 12, 2021) to submit its response to the Deficiency Notice. It also asks the Commission to waive response time to the Motion. Tri-State asserts that the additional time will provide it the opportunity "to more thoroughly consider and respond to the topics raised by Staff, and will further the overall purposes of this proceeding by allowing Tri-State to develop a more detailed record on these topics." It also points out that Staff requested information and/or modification with respect to no less than ten aspects of Tri-State's ERP, including transmission costs and network upgrades, the Benchmarking Assessment, unit retirements, historical operations and maintenance cost data, and modeling assumptions.

6. In its Motion, Tri-State includes Commission Staff's statement that "Staff supports this motion on the basis that this is an extraordinarily complex proceeding already filed with the Commission at this early stage. Granting Tri-State an extension of time to supply the

information noted in Staff's Notice of Deficiency should serve to improve the record in this proceeding and ensure this proceeding starts off on the best possible footing." The OCC and CEO take no position on the Motion, so it is unopposed.¹

C. Conclusions and Findings

7. The Commission finds that waiving response time to the Motion is appropriate because the Motion is unopposed. And for the reasons articulated above, the Commission also finds good cause exists to grant a variance and provide more time for Tri-State to address the issues raised in the Deficiency Notice. Therefore, we waive response time to the Motion and grant the eight-day extension of time Tri-State requests.

II. ORDER

A. The Commission Orders That:

1. Response time to the Motion for Partial Variance from Decision No. C20-0876-I and Rule 1303(c)(II) filed on February 1, 2021 by Tri-State Generation and Transmission Association, Inc. is waived.

2. The Motion for Partial Variance from Decision No. C20-0876-I and Rule 1303(c)(II) filed on February 1, 2021 by Tri-State Generation and Transmission Association, Inc. is granted.

3. This Decision is effective upon its Mailed Date.

¹ The Commission has not yet addressed requests for permissive intervention in this proceeding. Commission Staff, the Office of Consumer Counsel (OCC), and the Colorado Energy Office (CEO) have intervened as a matter of right. Prospective interveners, the Wyoming Rural Electric Cooperatives, support the Motion. Other prospective interveners, the Joint Cooperative Movants, do not oppose the Motion.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 3, 2021.**

(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

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JOHN GAVAN

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Commissioners