

Decision No. C24-0014

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

PROCEEDING NO. 23V-0609E

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IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF A VARIANCE FROM RULE 3528 IN ORDER TO EXTEND THE DATE FOR FILING ITS 2024 DISTRIBUTION SYSTEM PLAN.

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**COMMISSION DECISION GRANTING  
PETITION FOR VARIANCE**

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Mailed Date: January 8, 2024

Adopted Date: January 3, 2024

**I. BY THE COMMISSION**

**A. Statement**

1. By this Decision the Commission grants the Verified Petition (Petition) filed on December 15, 2023, by Public Service Company of Colorado (Public Service or the Company).

**B. Discussion**

2. Public Service seeks a variance from Rule 3528 which requires the company to file its next distribution system plan (DSP) by January 31, 2024. The Company wishes to extend that deadline to November 15, 2024.

3. The Company presents a number of justifications to support its request. It points out that the settlement agreement in the first DSP committed it to more than 60 new requirements for its 2024 DSP, and also that the policy landscape has changed since the first proceeding, referencing the federal Inflation Reduction Act and Infrastructure Investment and Jobs Act, as well as the finalization of the Commission's Gas Infrastructure Planning and Clean Heat Plan rules. The Company indicates that these other actions and proceedings will have a large impact

on how it approaches its long-term vision in the DSP, and notes that the extension will allow the company to meet its settlement commitments and address potential load impacts of the clean heat portfolios through LoadSEER.

4. Public Service also points out that a delay in filing its 2024 DSP was anticipated even during its last DSP proceeding. The parties proposed, and the Commission approved, a settlement agreement providing in part that the parties would not oppose Public Service seeking a six-month extension of time to file the 2024 DSP. The Company indicates that even a six-month extension is too little time to deliver on its settlement commitments and address load impacts of the clean heat portfolios through LoadSEER.

5. The Company also indicates that it reached out to a number of parties to its first DSP proceeding and none of them had expressed opposition to the Petition. Additionally, the Commission invited interested parties to intervene and respond to the requested relief in the Petition. No interventions or responses were received.

### **C. Findings and Conclusions**

6. The Commission has the power to grant waivers or variances under Rule 1003(a) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, when a variance would lead to "more effective implementation of overall policy on an individual basis."

7. We agree with Public Service's rationales and find that good cause exists to grant the requested variance for the reasons stated in Public Service's Petition. The date for Public Service to file its next DSP is extended to November 15, 2024.

8. The Phase I settlement agreement approved by Recommended Decision No. R23-0080, issued February 2, 2023, in Proceeding No. 22A-0189E, contains commitments that the Company's next DSP will develop a vision for its distribution system, including the current

and expected evolution of its grid architecture, and its planning and forecasting functions. We further note that three ongoing proceedings may establish additional information or requirements that could impact the next DSP application. As part of the implementation of Senate Bill 23-291, Proceeding No. 23M-0464EG is studying potential barriers to the beneficial electrification of buildings and the deployment of distributed energy resources. Furthermore, Proceeding No. 23M-0466EG is in the process of setting requirements for the Company to issue requests for proposals for third-parties to support virtual power plants, gas demand response, and neighborhood electrification pilots. Finally, Proceeding No. 23A-0242E is exploring an expansion in transportation electrification that could significantly impact - either positively or negatively – the distribution system in terms of forecasting future peak demands and capital requirements. Our expectation in approving this significant delay in the filing of the next DSP application is that the Company will be integrating lessons learned and direction from these other proceedings into its overall vision of a distribution system that is responsive to evolving customer and climate needs.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Verified Petition Of Public Service For Approval Of A Variance From Rule 3528 In Order To Extend The Date For Filing Its 2024 Distribution System Plan, And Request For Shortened Response Time, A Shortened Notice And Intervention Period, And An Expedited Decision By January 3, 2024, filed on December 15, 2023, by Public Service Company of Colorado is granted, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
January 3, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners