

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0357E

IN THE MATTER OF THE APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC
FOR APPROVAL OF ITS DISTRIBUTION SYSTEM PLAN.

**COMMISSION DECISION DENYING AS-MOOT,
BLACK HILLS' MOTION FOR PROTECTIVE ORDER
AFFORDING EXTRAORDINARY PROTECTION, AND
BLACK HILLS' MOTION FOR LEAVE TO REPLY**

Issued Date: August 8, 2024
Adopted Date: July 31, 2024

I. BY THE COMMISSION

A. Statement

1. This Decision denies as moot, the Amended Motion for Protective Order Affording Extraordinary Protection filed by Black Hills Colorado Electric, LLC ("Black Hills") on July 2, 2024, and also denies as moot the Motion for Leave to Reply and Reply also filed by Black Hills on July 22, 2024. Both motions are denied as moot in light of the Stipulated Supplemental Non-Disclosure Agreement filed by Pivot Energy, Inc. ("Pivot"), on July 25, 2024, which states that upon execution, Black Hills withdraws its Amended Motion for Protective Order.

B. Background

2. On July 2, 2024, Black Hills filed an Amended Motion for Protective Order Affording Extraordinary Protection in which it asked the Commission to grant highly confidential protections to mapping data that it was required to submit as part of a report pursuant to the

unanimous Settlement Agreement approved in this Proceeding by Recommended Decision No. R24-0118.

3. On July 12, 2024, Pivot filed a response in opposition to Black Hills' motion in which it argued the mapping data should not be granted confidential protections.

4. On July 22, 2024, Black Hills filed a Motion for Leave to Reply and Reply to Pivot's response in which it stated it was only seeking ordinary confidential protections for the mapping data.

5. On July 25, 2024, Pivot filed a Stipulated Supplemental Non-Disclosure Agreement signed by both Pivot and Black Hills in which Black Hills agrees to withdraw its Amended Motion for Protective Order and further agrees that Pivot is entitled to use the mapping data for purposes of business or competition and that Pivot may share the map with Pivot's subcontractors and consultants in connection with the development of solar energy projects provided any such subcontractors or consultants sign the Commission's ordinary confidentiality Non-Disclosure Agreement, which will be filed in this Proceeding.

C. Findings and Conclusions

6. The language in the Stipulated Supplemental Non-Disclosure Agreement represents that Black Hills has withdrawn its Amended Motion for Protective Order. As such, there are no active motions which the Commission is asked to resolve, and we therefore deny both Black Hills' Amended Motion for Protective Order and its related Motion for Leave to Reply as moot.

II. ORDER

A. The Commission Orders That:

1. The Amended Motion for Protective Order Affording Extraordinary Protection filed on July 2, 2024, by Black Hills Colorado Electric, LLC, is denied as moot.

2. The Motion for Leave to Reply and Reply filed on July 22, 2024, by Black Hills Colorado Electric, LLC, is denied as moot.

3. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 31, 2024.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners