

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0075E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL TO RECOVER COSTS ASSOCIATED WITH JOINING THE SOUTHWEST POWER POOL MARKETS+ MARKET THROUGH THE ELECTRIC COMMODITY ADJUSTMENT.

**INTERIM COMMISSION DECISION ADDRESSING
INTERVENTIONS AND ESTABLISHING SHORTENED
RESPONSE TIME TO MOTION**

Issued Date: March 14, 2025

Adopted Date: March 12, 2025

I. BY THE COMMISSION

A. Statement

1. On February 14, 2025, Public Service Company of Colorado (“Public Service” or the “Company”) filed an Application (“Application”) requesting a determination that it is in the public interest for Public Service to participate in Southwest Power Pool’s (“SPP”) regional, day-ahead and real-time energy and flexibility reserve product market in the Western Interconnection, called Markets+ (“Markets+” or “SPP Markets+”), and requesting recovery of costs associated with Markets+ participation through the Electric Commodity Adjustment (“ECA”). By Decision No. C25-0129-I, the Commission established a shortened notice and intervention period ending on March 4, 2025.

2. Through this Decision, the Commission establishes the parties to this proceeding. The Commission acknowledges the notices of intervention of right filed by Trial Staff of the Commission (“Staff”), the Colorado Office of the Utility Consumer Advocate (“UCA”), and the

Colorado Energy Office (“CEO). The Commission grants the requests for permissive intervention filed by Climax Molybdenum Co., (“Climax”), Interwest Energy Alliance (“Interwest”), Black Hills Colorado Electric, LLC (“Black Hills), Advanced Energy United (“AEU”), Tri-State Generation and Transmission Association, Inc. (“Tri-State”), Colorado Energy Consumers Group (“CEC”), Western Resource Advocates (“WRA”), and Holy Cross Electric Association, Inc. (“Holy Cross”).

3. This Decision also sets a shortened response time to the Joint Motion to Waive Rule 3753 (“Motion”) filed on March 11, 2025, by Staff, UCA, CEO, WRA, CEC, AEU, and Climax (collectively, “Joint Movants”). The Joint Movants request that the deadline for a Commission decision be extended beyond the 150-day deadline contained in Rule 3753, 4 *Code of Colorado Regulations* (“CCR”) 723-3. Responses to the Motion shall be due by **12:00 p.m. on March 17, 2025.**

B. Parties to the Proceeding

1. Interventions of Right

4. Staff, UCA, and CEO filed timely notices of intervention by right on or before March 4, 2025. In their filings, they outline several issues they plan to address in this Proceeding. Staff and UCA request a hearing.

5. Pursuant to Rule 4 CCR 723-1-1401(b) of the Commission’s Rules of Practice and Procedure, no decision is required in response to appropriately filed notices of intervention by right. We acknowledge the notices of intervention of right, and that Staff, UCA, and CEO are parties to this Proceeding.

2. Permissive Interventions

6. The following entities filed timely requests for permissive intervention: Climax, Interwest, Black Hills, AEU, Tri-State, CEC, WRA, and Holy Cross.

7. Climax states that it operates the Climax and Henderson molybdenum mines and related facilities near Leadville and Empire, Colorado, respectively, and is one of Public Service's largest customers. Climax states that the cost and reliability of Public Service's electric service are major factors in Climax's ability to conduct its operations successfully. It explains that the Commission's decision on the issues involved in this Proceeding will substantially affect the cost, reliability, and adequacy of Climax's electricity services, and that its interests will not be adequately represented unless it is allowed to intervene.

8. Interwest states it is a Colorado nonprofit and that its commercial members include the leading renewable energy developers and manufacturers across the country and in Colorado, many of whom are developers whose projects will be relied upon to provide energy and capacity to Public Service for market participation. It notes that it also has non-governmental conservation organization members. Additionally, Interwest asserts an interest in the Commission's public interest determination, including ensuring that proper greenhouse gas emission tracking is in place, and that no other party represents the interests of its member organizations and developers.

9. Black Hills states it is a public utility subject to the Commission's jurisdiction and that it is a balancing authority customer of Public Service. Black Hills states it is likely that regardless of its own decision on whether to participate in Markets+, it could incur certain Markets+ costs and other charges if Public Service's Application is granted. It states its particular interests will not be adequately represented unless it is allowed to intervene.

10. AEU states it is comprised of over 100 companies both large and small across the technology spectrum, including energy efficiency, demand response, solar photovoltaics, solar thermal electric, enhanced geothermal, wind, storage, electric vehicles and charging equipment, etc., and that its membership also includes large customers of the Company and purchasers of advanced energy technologies and services who are looking to achieve their business sustainability goals. AEU seeks to intervene to protect AEU's and its members' economic and clean energy transition interests that may be affected by the outcome of this proceeding, and it states its interests will not be adequately represented if it is not allowed to intervene.

11. Tri-State is a wholesale electric power generation and transmission cooperative operating on a not-for-profit basis whose transmission system is interconnected with Public Service's transmission system, and it states it is also a network transmission service customer of Public Service and that has member load located in the Public Service Balancing Authority Area ("BAA"). Tri-State states an interest in Public Service's participation in Markets+ since it has load and resources within Public Service's BAA that will likely participate in the market if the Application is approved, which in turn will affect its system and operations. Tri-State contends that its interests are not adequately represented by any other party in this Proceeding.

12. CEC states it is an association composed of corporate entities that operate facilities within Public Service's service territory. CEC states it has an interest in ensuring that the benefits of Markets+ are properly weighed against the costs, governance and transparency, and compliance with Commission rules, and that the Commission's decision in this Proceeding will directly affect the cost and reliability of CEC members' electricity service. CEC states that

its interests cannot be adequately represented by any other party in this Proceeding. Additionally, CEC requests a hearing.

13. WRA states it is a regional non-profit advocacy organization that fights climate change and its impacts in order to sustain the environment, economy, and people of the West. WRA states an interest in ensuring wholesale electricity market expansion in the West supports a decarbonized, reliable, and cost-effective electricity grid that is beneficial to ratepayers, customers, and the environment. It contends that no other party in this Proceeding will adequately represent its interests.

14. Holy Cross is a cooperative electric association that purchases a substantial portion of its wholesale electric power and energy from Public Service. Holy Cross states it and its customers rely on generation and transmission service from Public Service, and that it is probable it will sustain revenue requirements adjustments if Public Service joins Markets+. Holy Cross contends that its interests will not be adequately represented by other parties in this Proceeding.

15. Rule 1401(c) sets forth the standard for permissive intervention and states, in relevant part:

A motion to permissively intervene shall state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. The motion must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant's interests would not otherwise be adequately represented.

16. We find that, as required by Rule 1401(c), 4 CCR 723-1, each entity discussed above that seeks to permissively intervene has sufficiently demonstrated that this Proceeding

may substantially affect its pecuniary or tangible interests and that its interests would not otherwise be adequately represented in this Proceeding. Therefore, we grant all of the requests for permissive intervention. In doing so, we encourage the parties to work together where their interests align to maximize efficiency.

17. The following entities are parties to this Proceeding: Public Service, Staff, UCA, CEO, Climax, Interwest, Black Hills, AEU, Tri-State, CEC, WRA, and Holy Cross.

C. Motion for Waiver of Rule 3753

18. In the Motion filed on March 11, 2025, the Joint Movants request a waiver of Rule 3753(b)(I). The rule states that in a proceeding considering participation in a day-ahead market, the Commission will set a procedural schedule that results in a written Commission decision within 150 days of the application filing. In the Motion, the Joint Movants contend that the Application presents many complexities that warrant additional time for consideration, including issues around an undefined market footprint and uncertainties with how the new federal administration will impact oversight of market activities by the Federal Energy Regulatory Commission. The Joint Movants argue that there is time for standard application timelines, stating that Public Service has filed this application roughly a year earlier than required under the Commission's rules, and that the market will not begin operations until Q2 2027, while recognizing that the Company and SPP might need to begin work sooner than 2026 in light of the steps needed to set up the necessary market infrastructure. Additionally, the Joint Movants state that the Company puts forth insufficiently concrete reasons to support the need to receive a decision within 150 days.

19. The Joint Movants state that Holy Cross supports the Motion, that Public Service and Tri-State oppose the Motion, and that Black Hills and Interwest take no position.

20. We set a shortened response time to the Motion to allow for expeditious consideration of the Joint Movant's request. Responses shall be due by **12:00 p.m. on March 17, 2025.**

II. ORDER

A. It Is Ordered That:

1. The Notices of Intervention of Right filed by Trial Staff of the Commission ("Staff"), the Colorado Office of the Utility Consumer Advocate ("UCA"), and the Colorado Energy Office ("CEO") on or before March 4, 2025, are acknowledged.

2. The Motion to Intervene filed on February 26, 2025, by Climax Molybdenum Company ("Climax") is granted.

3. The Motion to Intervene filed on March 3, 2025, by Interwest Energy Alliance ("Interwest") is granted.

4. The Motion to Intervene filed on March 3, 2025, by Black Hills Colorado Electric, LLC ("Black Hills") is granted.

5. The Motion to Intervene filed on March 4, 2025, by Advanced Energy United ("AEU") is granted.

6. The Motion to Intervene filed on March 4, 2025, by Tri-State Generation and Transmission Association ("Tri-State") is granted.

7. The Motion to Intervene filed on March 4, 2025, by Colorado Energy Consumers ("CEC") is granted.

8. The Motion to Intervene filed on March 4, 2025, by Western Resource Advocates ("WRA") is granted.

9. The Motion to Intervene filed on March 4, 2025, by Holy Cross Electric Association, Inc. (“Holy Cross”) is granted.

10. The parties to this Proceeding are: Public Service, Staff, UCA, CEO, Climax, Interwest, Black Hills, AEU, Tri-State, CEC, WRA, and Holy Cross.

11. Responses to the Joint Motion to Waive Rule 3753 filed on March 11, 2025, by Staff, UCA, CEO, WRA, CEC, AEU, and Climax, shall be filed no later than **March 17, 2025, at 12:00 p.m.**

12. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
March 12, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners