

Decision No. C25-0371

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0143E

IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC FOR AUTHORIZATION TO SELL A REAL PROPERTY ASSET LOCATED IN CANON CITY, COLORADO WITH NO NET GAIN ON THE SALE.

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION, AND
GRANTING MOTION FOR EXTRAORDINARY
PROTECTION**

Issued Date: May 14, 2025
Adopted Date: May 7, 2025

I. BY THE COMMISSION

A. Statement

1. On April 1, 2025, Black Hills Colorado Electric, LLC, doing business as Black Hills Energy, (“Black Hills” or the “Company”) filed its Verified Application for approval of the Purchase and Sale Agreement between Black Hills and the City of Canon City (“Canon City” or the “City”), Colorado (“Application”) for the sale of real property owned by the Company within the City limits.

2. Through this Decision, we deem the Application complete, grant the Application, and grant the Motion as discussed below.

B. Discussion and Findings

3. In its Application, pursuant to § 40-5-105(1), C.R.S., and Rule 1303 of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1,

and Rules 3002(a)(V) and 3104 of the Commission's Rules Regulating Electric Utilities, 4 CCR 723-3, Black Hills seeks Commission approval of the Purchase and Sale Agreement ("PSA") between Black Hills and Canon City for the sale of real property owned by the Company as set forth in the PSA. The real property is located between the Arkansas River and US Hwy 50 in the City limits. The nearly 22-acre site historically operated as a coal-fired power plant (the W. N. Clark Generating Station, or "Clark Station") from 1897 until 2011. In support of the Application, Black Hills Electric filed direct testimony and exhibits of Jennifer L. Bass.

4. Black Hills states that on September 3, 2024, the Company and City fully executed a written PSA for an agreed upon price of \$425,000.00. The PSA was amended first on December 19, 2024, to amend the closing date to April 28, 2025, and again on March 13, 2025, to extend the closing date to up to 30 days after the contingency period, which was also updated in the amendment to end on August 31, 2025. The Company will receive no net gain on the sale of the real property and in fact has incurred a loss on the disposition of the property due to the significant remediation costs it has incurred on the property. The Company is not requesting reimbursement for the loss.

5. The Commission provided notice of the Application to all interested parties on April 1, 2025. No petition to intervene or otherwise participate in this Proceeding was filed. Because no other party intervened in this Proceeding, it is uncontested and therefore, pursuant to § 40-6-109(5) C.R.S., and Rule 1403, 4 CCR 723-1, this matter may be determined without a hearing.

6. The Commission reviewed the testimony and exhibits provided by the Company and being fully advised in the matter finds good cause to grant the Application. The Commission approves the sale of the real property owned by Black Hills and Canon City as set forth in the PSA.

II. ORDER**A. The Commission Orders That:**

1. The Application for approval of the Purchase and Sale Agreement by and between Black Hills Colorado Electric, LLC, doing business as Black Hills Energy, ("Black Hills") and the City of Canon City, Colorado for the sale of real property owned by Black Hills within Canon City's city limits filed on April 1, 2025, by Black Hills is deemed complete, for purposes of § 40-6-109.5, C.R.S., and is granted.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration, begins on the first day following the effective date of this Decision.

3. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 7, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

