

Decision No. C25-0387

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

PROCEEDING NO. 23A-0633G

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IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO GAS, INC. FOR APPROVAL OF ITS 2024-2028 CLEAN HEAT PLAN.

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**COMMISSION DECISION ESTABLISHING  
PROCEDURAL SCHEDULE**

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Issued Date: May 21, 2025

Adopted Date: May 7, 2025

**I. BY THE COMMISSION**

**A. Statement**

1. By this Decision, we set a hearing schedule for the Application of Black Hills Colorado Gas, Inc. (“Black Hills” or the “Company”) for Approval of its 2024-2028 Clean Heat Plan. We schedule a three-day remote evidentiary hearing *en banc* for the days of October 27, 28, 29, 2025. In Attachment A to this Decision, the Commission provides instruction for how the remote evidentiary hearing will be conducted. Relatedly, in Attachment B to this Decision, the Commission sets forth procedures for the electronic submission of exhibits.

**B. Background**

2. Black Hills filed its inaugural Clean Heat Plan application pursuant to § 40-3.2-108, C.R.S. (the “Clean Heat Statute”) and Rules 4725 to 4733 of the Commission’s Rules Regulating Gas Utilities, 4 *Colorado Code of Regulations* (“CCR”) 723-4 on December 29, 2023.

3. On March 7, 2024, the Commission referred the Proceeding to an administrative law judge (“ALJ”) through Decision No. C24-0148-I, and the following entities became parties: the Colorado Public Utilities Commission Trial Staff (“Staff”), the Colorado Energy Office (“CEO”), SWEEP, and the Colorado Utility Advocate (“UCA”).

4. On August 16, 2024, Black Hills filed a Motion to Approve the Settlement Agreement. Along with Black Hills, Staff, UCA, and CEO (collectively the “Settling Parties”) joined the Settlement Agreement. SWEEP did not join the Settlement.

5. The ALJ held an evidentiary hearing on August 29, 2024. On September 20, 2024, each UCA, Staff, SWEEP, CEO, and Black Hills filed Statements of Position (“SOP”).

6. On October 29, 2024, the ALJ issued Decision No. R24-0784 (the “Recommended Decision”). The Recommended Decision approves the Settlement Agreement in full.

7. On November 18, 2024, SWEEP filed exceptions to the Recommended Decision. On November 26, 2024, the Commission granted a motion filed by CEO to extend the response deadline to SWEEP’s exceptions in Decision No. C24-0873. On December 5, 2024, Black Hills and CEO each filed a response to SWEEP’s Exceptions. The Commission addressed SWEEP’s Exceptions through Decision No. C25-0091, issued on February 12, 2025 (“Exceptions Decision”).

8. Through Decision No. C25-0091, the Commission modified the Settlement Agreement approved in the Recommended Decision in two primary ways. First, the Commission limited the use of the demand-side management (“DSM”) budget only to weatherization and envelope measures. Second, the Commission ordered that any remaining DSM budget resulting from the measure limitations shall be utilized to expand the Company’s beneficial electrification (“BE”) offerings beyond the Rocky Fords pilot.

9. On March 4, 2025, Black Hills filed its application seeking rehearing, reargument, or reconsideration (“RRR Application”) of Decision No. C25-0091, which the Commission issued on February 12, 2025. Black Hills requested that the Commission reconsider its modifications to the Settlement Agreement made in the Exceptions Decision and requests the Commission approve the Settlement without modification. Black Hills requested the Commission “should provide for additional process in this Proceeding to evaluate other modifications to the Settlement to fairly rebalance the outcome given the changes to the CHP”<sup>1</sup> if the Commission did not revert to the unmodified Settlement Agreement. In its RRR Application, Black Hills stated it no longer supports the overall elements of the Settlement and reverts its support back to the Company’s rebuttal position.

10. On March 17, 2025, SWEEP filed its Motion for Leave to Respond. On March 25, 2025, Black Hills filed a response in opposition to SWEEP’s Motion for Leave to Respond.

11. By Decision No. C25-0248, issued on April 2, 2025, the Commission granted the RRR Application for the sole purpose of tolling the statutory deadline.

12. The Commission deliberated on the merits of the RRR applications at the March 26, 2025 and April 2, 2025 Commissioners' Weekly Meetings (CWM”) and issued Decision No. C25-0262 which denied SWEEP’s Motion for Leave to Respond, denied Black Hills’ request to reinstate the Settlement Agreement, found that additional process in the Proceeding was necessary, and scheduled a pre-hearing conference for April 10, 2025. In the Commission’s RRR Decision, the Commission found that the unmodified Settlement Agreement is not in the public

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<sup>1</sup> Black Hills RRR, pp. 25-26.

interest and thus additional process in this Proceeding was necessary to complete the adjudication of the Company's CHP Application.

13. On April 10, 2025, the Commission held a pre-hearing conference in this Proceeding which was attended by the Company, UCA, SWEEP, Staff, and CEO. At the pre-hearing conference, the Commission requested input from the parties regarding what additional process would be needed to complete this Proceeding. The Commission found that the best course of action was to set a two-day evidentiary hearing in this Proceeding to further examine the evidentiary record without the Settlement Agreement and corresponding settlement testimony. At the pre-hearing conference, the Commission offered several available dates but no resolution of a date for a hearing was reached. The Commission also acknowledged that the parties saw no need for additional written testimony, and therefore ordered that the parties confer on a procedural schedule that included a deadline for pre-hearing matters, an evidentiary hearing, and a deadline for statements of positions and legal briefing.

14. By Decision No. C25-0295, issued on April 17, 2025, the Commission ordered Black Hills to confer with the parties to the Proceeding to establish a consensus procedural schedule for the remainder of the Proceeding.

15. On May 1, 2025, Black Hills filed an unopposed procedural schedule.

**C. Discussion, Findings, and Conclusions**

16. The Company's proposed procedural schedule outlines the following remaining process:

<b><i>Deadline/Action</i></b>	<b><i>Date</i></b>
Pre-Hearing Motions	October 10, 2025
Corrections	October 13, 2025
Cross-Matrix/Witness List	October 17, 2025
Remote En Banc Evidentiary Hearing	October 27-29, 2025
Statements of Position and Legal Briefing	November 14, 2025

17. We find good cause to adopt the proposed procedural schedule.

18. The Commission schedules a three-day fully remote *en banc* evidentiary hearing for the days of October 27-29, 2025.

19. The Commission emphasizes its interest in utilizing the evidentiary hearing as an opportunity to explore some of the technical and policy issues related to the implementation of beneficial electrification programs for Black Hills. The Commission also emphasizes its interest in utilizing this Proceeding to address legal issues surrounding beneficial electrification implementation by Black Hills. We see little value in delaying the adjudication of such important issues, which have already been raised here by Black Hills, to a future clean heat plan proceeding and anticipate using this forum to address these issues. Additionally, the evidentiary hearing should provide a good opportunity to review some of the different modeling approaches utilized by parties in this Proceeding.

20. The evidentiary hearing will be conducted via video-conference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the hybrid hearing may be disrupted by non-participants, the link and meeting ID, or access code, to attend the hearing

will be provided to the parties by email before the hearing, and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

21. Exhibits must be presented electronically at the evidentiary hearing. Attachment B to this Decision outlines the procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is extremely important that the parties carefully review and follow all requirements in Attachment B.

22. Hearing exhibits shall be marked numerically and sequentially for identification by the filing parties within their respective blocks of numbers. In order to efficiently organize the numbering and preparation of exhibits for the hearing, all parties shall use a unified numbering system for all hearing exhibits. Parties should not duplicate hearing exhibits or attachments previously filed by another party.

## **II. ORDER**

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

1. The proposal by Black Hills Colorado Gas, Inc., regarding a procedural schedule filed on May 1, 2025, is adopted.

2. A remote *en banc* evidentiary hearing is scheduled as follows:

DATE: October 27-29, 2025

TIME: 9:00 a.m. until 5:00 p.m. on October 27 and 28, 2025;  
1:00 p.m. until 5:00 p.m. on October 29, 2025

WEBCAST: Commission Hearing Room A

METHOD: Join by videoconference using Zoom at the link to be provided to parties by e-mail from Commission staff.

3. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

4. 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

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Commissioners