

Decision No. C25-0530-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0266E

IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR PUBLIC INTEREST DETERMINATION FOR ENTRY INTO THE SOUTHWEST POWER POOL IN THE WESTERN INTERCONNECTION.

**INTERIM COMMISSION DECISION ADDRESSING
INTERVENTIONS AND REQUIRING CONFERRAL AND
FILING OF CONSENSUS PROCEDURAL SCHEDULE**

Issued Date: July 18, 2025

Adopted Date: July 16, 2025

I. BY THE COMMISSION

A. Statement

1. On June 16, 2025, Tri-State Generation and Transmission Association, Inc. (“Tri-State” or the “Company”) filed an Application (“Application”) requesting a finding that the Southwest Power Pool (“SPP”) Regional Transmission Organization (“RTO”) in the Western Interconnection is a Statutory Organized Wholesale Market (“OWM”), as defined in Rule 3752(n), 4 *Code of Colorado Regulations* (“CCR”) 723-3, and that Tri-State’s planned participation in the SPP RTO West is in the public interest. Concurrent with its Application, Tri-State also filed a Motion to Approve a Proposed Procedural Schedule, Discovery Procedures, and Treatment of Confidential Information (“Motion”). On June 26, 2025, by Decision No. C25-0484-I, the Commission noticed the Application, established a shortened notice and intervention period to run to July 9, 2025, and set July 14, 2025 as the response deadline to Tri-State’s Motion.

2. Through this Decision, the Commission establishes 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 Interwest Energy Alliance (“Interwest”), Black Hills Colorado electric, LLC (“Black Hills”), Western Resource Advocates (“WRA”), and Holy Cross Electric Association, Inc. (“Holy Cross”).

3. Through this Decision, the Commission also requires Tri-State to confer with the parties to develop a new proposed procedural schedule to be filed by July 25, 2025.

B. Interventions

4. Staff, UCA, and CEO filed timely notices of intervention by right on or before July 9, 2025. In their filings, they outline several issues they plan to address in this Proceeding.

5. Pursuant to Rule 1401(b), 4 CCR 723-1, 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.

6. The following entities filed timely requests for permissive intervention: Interwest, Black Hills, WRA, and Holy Cross. The Commission has reviewed the motions for permissive intervention and highlights some of the intervenors’ interests and background below.

7. Interwest states it is a Colorado nonprofit and that its commercial members include the leading renewable energy storage, and transmission developers and manufacturers working across the country and in Colorado. It notes that it also has non-governmental conservation organization members. Additionally, Interwest asserts an interest in the Commission's public

interest determination because participation in an RTO will have significant impact on renewable energy, storage, and transmission development in Colorado, impacting all aspects of critical business decisions to invest in Colorado.

8. Black Hills states it is a public utility subject to the Commission's jurisdiction and states the Commission's decision regarding whether SPP RTO meets the statutory definition of an OWM may affect Black Hills' options going forward to meet the provisions of § 40-5-108, C.R.S.

9. 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.

10. Holy Cross is a cooperative electric association. Holy Cross states it may periodically purchase wholesale electric power supply from Tri-State through market transactions, which could be more readily enabled should the Commission approve Tri-State's Application. Holy Cross also states Tri-State's participation in the SPP RTO in the Western Interconnection could affect operations of the Integrated Transmission System as well as market transactions facilitated by the ITS, therefore, Holy Cross has a direct interest in determining whether Tri-State's participation in the SPP RTO is in the public interest.

11. 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.

12. The following entities are parties to this Proceeding: Tri-State, Staff, UCA, CEO, Interwest, Black Hills, WRA, and Holy Cross.

C. Procedural Considerations

13. CEO, Staff, and WRA filed responses to the Tri-State's Motion.

14. CEO asserts the time proposed between the initial comment deadline and the response comment deadline, and the time proposed between the response comment deadline and the public comment hearing, is too short to meaningfully review, respond to, and digest the comments. CEO therefore recommends the Commission move the proposed response comment deadline as well as the public comment hearing date. CEO also recommends the Commission clarify the intended scope of the public comment hearing and further recommends the Commission conduct the proposed public comment hearing similar to a public comment hearing in a rulemaking proceeding where parties and other stakeholders are allowed to submit written and oral comments.

15. Similarly, in its response, Staff suggests that if the Commission chooses not to order a full evidentiary hearing pursuant to Rule 3754(f)(III), 4 CCR 723-3, the Commissioners should be permitted during the public comment hearing to engage and ask questions – similar to the process during a rulemaking hearing. Specifically, Trial Staff states that for a proceeding of this importance it opposes a conventional public comment hearing structure where Commissioners only listen and do not ask questions.

16. In its response, WRA specifically requests that the Commission modify the proposed procedural schedule to include an evidentiary hearing in early October and states there is sufficient time for Tri-State and intervenors to confer on the specific dates for the hearing, and

any other modifications to the procedural schedule that might be necessary to accommodate a hearing. WRA states it takes no position on the remaining procedural dates in the proposed schedule.

17. Considering these responses, the Commission directs Tri-State to confer with the parties to try and reach a consensus procedural schedule that includes a date for an evidentiary hearing and a consensus procedural schedule that does not include a date for an evidentiary hearing. Tri-State shall file the proposed procedural schedules by **July 25, 2025**. The Commission will then address establishing a procedural schedule and other procedural matters in a separate decision.

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 July 9, 2025, are acknowledged.

2. The Motion to Intervene filed on July 8, 2025, by Holy Cross Electric Association, Inc. (“Holy Cross”) is granted.

3. The Motion to Intervene filed on July 9, 2025, by Interwest Energy Alliance (“Interwest”) is granted.

4. The Motion to Intervene filed on July 9, 2025, by Black Hills Colorado Electric, LLC (“Black Hills”) is granted.

5. The Motion to Intervene filed on July 9, 2025, by Western Resource Advocates (“WRA”) is granted.

6. The parties to this Proceeding are: Tri-State Generation and Transmission Association, Inc. (“Tri-State”), Staff, UCA, CEO, Interwest, Black Hills, WRA, and Holy Cross.

7. Consistent with the discussion above, Tri-State shall confer with the parties to develop two proposed procedural schedules, one including a date for an *en banc* evidentiary hearing and one excluding a date for an evidentiary hearing. Tri-State shall file the proposed procedural schedules, no later than **July 25, 2025**.

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

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 16, 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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Commissioners