

Decision No. C25-0645-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0354E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO CONCERNING AN APPEAL OF A LOCAL GOVERNMENTAL LAND USE DECISION ISSUED BY ELBERT COUNTY.

INTERIM COMMISSION DECISION ISSUING NOTICE OF APPLICATION, ESTABLISHING 20-DAY NOTICE AND INTERVENTION PERIOD, AND SETTING RESPONSE TIME TO REMAINING REQUESTS IN MOTION

Issued Date: September 4, 2025

Adopted Date: September 3, 2025

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 26, 2025, Public Service Company of Colorado (“Public Service” or the “Company”) initiated this Proceeding by filing a Verified Application for Appeal of Elbert County’s Denial of Requisite Siting Permits (“Application”). Public Service requests the Commission issue an order authorizing the Company to begin construction of Segment 5 of its Colorado Power Pathway Transmission Project (“Pathway Project”)¹ along the proposed route for the project within Elbert County, Colorado (“County”). Public Service states the Application arises

¹ The Commission granted Public Service’s application for a certificate of public convenience and necessity for the Pathway Project in Proceeding No. 21A-0096E by Decision No. C22-0270, issued June 2, 2022.

out of the County's denial of two land use applications that the Company submitted to the County for approval of 48 miles of the Pathway Project located in the County.

2. Concurrent with its Application, Public Service filed a Motion for Expedited Treatment, Shortened Notice and Intervention Period, Commission Hearing *En Banc*, and an Expedited Decision ("Motion") on August 26, 2025.

3. The Motion requests the Commission grant the following relief:

- a) shorten the notice and intervention period to the Application to a period of 10 days and waive response time to this request
- b) expedite review of the Application and issue a decision by the end of January 2026
- c) consider the Application *en banc* to assist the expedited consideration requested in the Motion
- d) require responses to the Motion to be included with any interventions

4. On September 2, 2025, the County filed a response² to the Motion urging the Commission to afford the County a reasonable opportunity to develop and file a more substantive response before taking up the merits of the Motion.

5. By this Decision, the Commission grants, in part, and denies, in part, the request in the Motion pertaining to setting a shortened notice and intervention period, and defers ruling on the remaining requests in the Motion. The Commission sets response time to these remaining requests through the end of the established 20-day notice and intervention period.

1. Notice and Intervention Period

6. Pursuant to Rule 1206(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1, the Commission provides notice to interested parties of an

² Elbert County filed a joint response with El Paso County in this Proceeding No. 25A-0354E and in Proceeding No. 25A-0355E, where Public Service is similarly appealing El Paso County's denial of a siting permit.

application and parties typically have 30 days from the date of notice in which to intervene.³ In the Motion, Public Service requests the Commission shorten the notice and intervention period to 10 days and waive any remaining response time to that request in the Motion.

7. To support this proposal, Public Service maintains its substantive request in the Application is narrow in scope and that time is of the essence in completing adjudication to avoid delay to the overall project. Public Service states it provided advance notice of the Application to the County as well as to potentially interested persons Trial Staff of the Commission, the Colorado Office of the Utility Consumer Advocate, the Colorado Energy Office, the Colorado Independent Energy Association, and the Colorado Solar and Storage Association. Public Service states construction on other segments is underway, and in some cases complete, and that it has already received land use permitting approvals relating to all five segments of the Pathway Project.

8. The Commission waives remaining response time to the request to establish a 10-day notice and intervention period and grants, in part, and denies, in part, the request. We will set a 20-day notice and intervention period, which we find strikes an appropriate balance in ensuring this Proceeding timely moves forward for the reasons identified by Public Service while still ensuring the County along with other interested persons have adequate time to review these initial filings, determine whether they will intervene, and prepare any responses to the remaining requests in the Motion.

2. Remaining Requests in the Motion

9. Public Service requests the Commission expedite review of the Application and adopt a schedule that facilitates issuance of a decision on the Application by the end of

³ Pursuant to Rule 1206(a) of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission must provide the notice within 15 days of the date the Application is filed, in this case, by September 10, 2025.

January 2026. To facilitate this expedited review, Public Service requests the Commission hear the Application *en banc* rather than refer the matter to an administrative law judge for a recommended decision. Public Service requests the Commission set response time to these remaining requests in the Motion through the end of the established notice and intervention period and require that parties include any responses to these requests within their intervention filing.

10. We defer consideration of these remaining requests until the County and other parties who may intervene have had the opportunity to respond. We set response time to these remaining requests through the end of the 20-day notice and intervention period established by this Decision. Parties are directed to include any responses to these requests with their intervention.

11. We request that parties' responses address the appropriate timeframe for adjudication of the Application, *i.e.*, Public Service's proposed 120-day timeframe, the allowed 250-day timeframe under § 40-6-109.5(1), C.R.S., or some other schedule. Following a decision on the request in the Motion for an expedited schedule, parties should have further opportunity to propose and respond to specific schedule dates conforming with the adjudication timeframe discussed in that decision.⁴

II. ORDER

A. It Is Ordered That:

1. The Motion for Expedited Treatment, Shortened Notice and Intervention Period, Commission Hearing *En Banc*, and an Expedited Decision ("Motion"), filed by Public Service

⁴ Rule 3705, 4 CCR 723-3, prescribes a prehearing conference within 15 days after the Application is deemed complete to hear comments on the procedural schedule and discuss scheduling the public hearing in § 29-20-108(5)(b), C.R.S. The Commission advises that it anticipates scheduling the prehearing conference for 1:00 p.m. to 2:00 p.m. on October 22, 2025, which would be the only available date within the time parameters of Rule 3705, pending the Commission's determination on completeness. Parties are thus advised to tentatively hold this date on their calendars.

Company of Colorado (“Public Service”) on August 26, 2025, is granted, in part, and deferred, in part.

2. Public Service’s request in the Motion for a shortened notice and intervention period for its Verified Application for Appeal of Elbert County’s Denial of Requisite Siting Permits (“Application”) filed on August 26, 2025, is granted, in part, and denied, in part. The remaining response time to this request is waived.

3. The Commission establishes a 20-day notice and intervention period for the Application in this Proceeding, which shall expire at **5:00 p.m. on September 24, 2025**.

4. Responses to the remaining requests in the Motion shall be filed no later than **5:00 p.m. on September 24, 2025**.

5. **This Decision is the Commission’s notice that Public Service’s Application for an order authorizing Public Service to begin construction of Segment 5 of its Colorado Power Pathway Transmission Project along the proposed route for the project within Elbert County, has been filed.** The Application is available for public inspection by accessing the Commission’s E-Filings system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=25A-0354E

6. Any person desiring to intervene or participate as a party in this Proceeding, including Trial Staff of the Commission, shall file a petition for leave to intervene, or under the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, file other appropriate pleadings to become a party, no later than **5:00 p.m. on September 24, 2025**. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may submit written comments through the comment portal at <https://puc.colorado.gov/puccomments>, indicating this Proceeding number for reference. All persons who file an objection, notice of

intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Rules of Practice and Procedure and this Decision.

7. At the time of this Decision, the Commission **has not** yet deemed the Application to be complete pursuant to 40-6-109.5, C.R.S.

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

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 3, 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

COMMISSIONER TOM PLANT,
ABSENT