

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0044EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF THE MOUNTAIN ENERGY PROJECT AND ASSOCIATED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR SUPPLEMENTAL SUPPLY.

**INTERIM DECISION ESTABLISHING PARTIES
AND ORDERING FILING OF A PROPOSED
PROCEDURAL SCHEDULE**

Issued Date: March 19, 2025

I. STATEMENT

A. Background

1. On January 16, 2025, Public Service Company of Colorado (“Public Service” or the “Company”) filed an application for approval and authorization of the Mountain Energy Project (“Application”) as well as requests for a Certificate of Public Convenience and Necessity for the compressed and liquefied natural gas supplemental supply components of the project. Public Service also filed with the Application a Motion for Extraordinary Protection of Highly Confidential Information (“Protection Motion”).

2. By Decision No. C25-0173, issued on March 11, 2025, the Commission referred this matter to Megan M. Gilman as Hearing Commissioner for an initial decision pursuant to § 40-6-109(6), C.R.S.

3. By this Decision, the undersigned Hearing Commissioner establishes the parties in this Proceeding. I grant the uncontested requests for permissive intervention filed by the Southwest

Energy Efficiency Project (“SWEEP”), the Mountain Community Coalition, Colorado Energy Consumers Group (“CEC”), and Sierra Club. I also acknowledge the notices of intervention of right filed by the Colorado Energy Office (“CEO”), the Colorado Office of the Utility Consumer Advocate (“UCA”), and Trial Staff of the Colorado Public Utilities Commission (“Trial Staff”).

4. I further direct Public Service to confer with the other parties in this Proceeding to develop and file a proposed procedural schedule no later March 24, 2025.

5. Finally, I set an extended deadline for the established parties to file any response to the Protection Motion and establish a five-day response time from the effective date of this Decision.

B. Interventions and Parties in this Proceeding

6. The Commission issued a Notice of Application Filed on January 17, 2025. The notice set a 30-day intervention period through February 18, 2025, with an additional seven days for Trial Staff to file its intervention pleading.

7. Pursuant to Rule 4 *Code of Colorado Regulations* (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. I acknowledge the notices of intervention of right, and that CEO, UCA, and Trial Staff are parties to this Proceeding.

8. Rule 1401 governs permissive interventions. Rule 1401 requires motions to permissively intervene to contain:

- a) the grounds relied upon for intervention;
- b) 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;
- c) why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding; and

- d) 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.

Given these requirements, I highlight notable aspects of each organization's motion in more detail below.

9. On February 12, 2025, SWEEP filed its motion to intervene. SWEEP states it has a tangible interest in ensuring that the Mountain Energy Project maximizes the uptake of energy efficiency and beneficial electrification measures in the project area and that the balance between rebates and infrastructure spending will also impact its tangible interest in maximizing energy efficiency and beneficial electrification in Public Service's territory. It notes that no other party or potential party can represent its unique interest and that its participation will advance the just resolution of the proceeding.

10. On February 18, 2025, the Mountain Community Coalition filed its motion to intervene. The Coalition is comprised of Summit County and the Towns of Breckenridge, Blue River, Dillon, Frisco, Silverthorne, and Keystone. These municipalities indicate that their pecuniary and tangible interests may be affected by this proceeding by the location of the natural gas supplemental supply facilities in their communities and the implementation of DSM and BE in their communities. The joint movants indicate no other party can represent their unique interests and that where possible they intend to work with other parties on filings in this case.

11. Also on February 18, 2025, Sierra Club filed a motion to intervene. Sierra Club states it is a national non-profit environmental organization dedicated to the protection of public health and the environment. It moves to intervene on behalf of itself and the many Sierra Club members who live in Colorado and are electric and/or gas customers of Public Service. Sierra Club states that their members' pecuniary and tangible interests may be affected by this

proceeding because they are Public Service customers, and will share some of the costs of this project. As well, the members' health and environmental interests will be affected. Sierra Club indicates that it is unclear that any other party could properly represent its members' interests in this proceeding.

12. On February 18, 2025, CEC filed a motion to intervene. CEC indicates their pecuniary and tangible interests may be affected by how this project, which may be a blueprint for gas infrastructure projects in the future, is funded and the impacts of the project on system reliability. As large industrial users, CEC indicates that no other party to the proceeding can represent their interests.

13. I find that each entity seeking permissive intervention has sufficiently demonstrated that this Proceeding may substantially affect its pecuniary or tangible interests, as is required by Rule 1401(c). Each also has demonstrated that its interests would not otherwise be adequately represented. Therefore, I grant the requests for permissive intervention.

C. Procedural Steps

14. In order to establish an appropriate procedural schedule for this Proceeding, I direct Public Service to confer with the other parties to develop and to file a consensus proposal. Public Service shall file either a motion to approve a consensus schedule or a report that sets forth the Company's proposed procedural schedule and the intervening parties' support for or objections to that schedule. The procedural schedule filing shall be submitted no later than March 26, 2025.

15. The Commission's calendar is incredibly limited, given other ongoing proceedings with evidentiary hearing dates around the likely time of a hearing in this proceeding. To assist the parties in developing a schedule, I note that the hearing in this Proceeding must conclude on or before August 22, 2025. The week of August 18-22 may be the most reasonable option. Notably,

the hearing for the Public Service Distribution System Planning Proceeding, No. 24-0547E, is expected to take place in the timeframe immediately after when this hearing may need to be scheduled, so that timing will need to be considered. A procedural schedule should also presume the issuance of Supplemental Direct questions in the near future and set aside time for a Company response.

16. With the establishment of the parties in this Proceeding, I find good cause to set an extended deadline for the established parties to respond to the Protection Motion. The Commission establishes a five-day response time from the effective date of this Decision.

17. Forthcoming decisions will address supplemental direct testimony, hearing procedures, the Protection Motion, and scheduling public comment hearings.

II. ORDER

A. It Is Ordered That:

1. The Motion to Intervene filed by Southwest Energy Efficiency Project (“SWEEP”) on February 12, 2025, is granted.

2. The Motion to Intervene filed by the Mountain Community Coalition on February 18, 2025, is granted.

3. The Motion to Intervene filed by the Sierra Club on February 18, 2025, is granted.

4. The Motion to Intervene filed by Colorado Energy Consumers Group (“CEC”) on February 18, 2025, is granted.

5. The parties to this Proceeding include: Public Service Company of Colorado (“Public Service”), Trial Staff of the Colorado Public Utilities Commission, Colorado Energy Office, the Colorado Office of the Utility Consumer Advocate (“UCA”), SWEEP, the Mountain Community Coalition, Sierra Club and CEC.

6. Public Service shall confer with the parties and file a proposed procedural schedule no later than March 26, 2025, consistent with the discussion above.

7. Responses to the Motion for Extraordinary Protection of Highly Confidential Information filed by Public Service on January 16, 2025, shall be filed no later than five days after the effective date of this Decision.

8. This Decision is effective upon its Issued Date.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MEGAN M. GILMAN

Hearing Commissioner

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director