

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0069E

PROCEEDING NO. 25A-0069E IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE BARKER SUBSTATION, 230 KV UNDERGROUND TRANSMISSION LINE, AND ASSOCIATED FINDINGS REGARDING NOISE AND MAGNETIC FIELD REASONABLENESS.

**INTERIM DECISION
SETTING PROCEDURAL SCHEDULE, AND
SCHEDULING REMOTE EVIDENTIARY HEARING**

Issued Date: April 29, 2025

I. STATEMENT

1. On February 10, 2025, Public Service Company of Colorado (“Public Service” or the “Company”) filed an Application for a Certificate of Public Convenience and Necessity (“CPCN”) for facilities associated with the Barker Substation (“Application”).

2. The Barker Substation (the “Project”) is a new substation intended to increase capacity of the network distribution system serving downtown Denver. The Company explains in the Application that the Project is needed to satisfy growth in demand caused by population increases, high density demand, new all-electric residential buildings codes, and successful urban revitalization efforts.

3. The Project is located in Lower Downtown near Coors Field on property already owned by the Company from a 1990 purchase. It entails above ground substation transmission facilities, distribution transformers and capacity banks, and a 2,000 ft. double-circuit 230 kV underground transmission line connecting to another existing substation. The Project is expected

to cost approximately \$213.6 million, with about \$100 million of that related to the transmission line and the transmission substation facilities.

4. Public Service intends to recover the costs associated with the transmission elements of the Project through its Transmission Cost Adjustment. The Company further anticipates to recover the distribution costs associated with the Project through its proposed Grid Modernization Adjustment Clause (“GMAC”), approval of which is pending in Proceeding No. 24A-0547E.

5. On February 24, 2025, the Colorado Office of the Utility Consumer Advocate (“UCA”) filed an Intervention as of Right and Request for Hearing. UCA seeks to examine whether: the cost increase from \$18.1 million in 2017 to \$213.6 million as set forth in the Application is reasonable; the use of higher-cost, gas-insulated switchgear is necessary and reasonable; the use of an underground, double circuit transmission line is reasonable; some equipment can be deferred until later to reduce initial costs; and the proposed cost recovery mechanisms are reasonable.

6. On March 21, 2025, Trial Staff of the Colorado Public Utilities Commission (“Staff”) filed an Intervention as of Right and Request for Hearing. Staff lists in its intervention some areas of inquiry it intends to examine.

II. PARTIES TO THE PROCEEDING

A. Interventions of Right

7. Staff, CEO and the UCA filed timely notices of intervention by. In their filings, they outline several issues they plan to address in this Proceeding and request a hearing.

8. 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. The notices of intervention of right are acknowledged. Staff, CEO and the UCA are parties to this Proceeding.

III. TIME TO ISSUE A FINAL COMMISSION DECISION

9. Under § 40-6-109.5(1), C.R.S., when a party files testimony with an application, the Commission must issue a final decision within 120 days after the application is deemed complete, unless the Commission finds that additional time is necessary, in which case, this deadline may be extended by an additional 130-days.¹ If the Commission does not make a determination that an application is complete within 15 days of the application's notice period's expiration, and otherwise does not find that the application is not complete or that more information is necessary, the application is automatically deemed complete.²

10. The Commission deemed the Application complete on March 26, 2025. Since the Company filed testimony with its Application, the Commission must issue a final decision within 120 days of July 24, 2025, unless the Commission finds that additional time is necessary.

11. This does not allow enough time for the parties to develop the record and to conduct discovery; to hold an evidentiary hearing; for a recommended decision to issue; for the parties to file exceptions; and for the Commission to address exceptions and issue a final decision. For these reasons, the ALJ finds that additional time is necessary, and therefore extends the statutory deadline for a final Commission decision by 130 days, as allowed by § 40-6-109.5(1), C.R.S.

IV. PROCEDURAL SCHEDULE FOR REMOTE HEARING

12. Through informal communications the Parties proposed the following procedural schedule:

¹ § 40-6-109.5(1), C.R.S.

² Rule 1303(c)(IV), 4 CCR 723-1.

Event	Deadline
Answer Testimony	June 9, 2025
Rebuttal/Cross Answer Testimony	July 11, 2025
Stipulations/Settlement Agreement	August 1, 2025
Corrections to Pre-filed Testimony & Exhibits; Witness Matrix	August 7, 2025
Prehearing Motions	August 8, 2025
Hearing	August 11-12, 2025
Statements of Position	August 29, 2025

13. The proposed procedural schedule and discovery procedures are acceptable and shall be adopted.

14. The discovery procedures contained in Commission Rule 1405 shall govern this proceeding.

15. The hearing shall be held remotely.

V. REMOTE EVIDENTIARY HEARING

16. A hearing in the above captioned proceeding shall be scheduled for August 11-12, 2025, at 9:00 a.m. as a remote hearing. At the remote hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this case.

17. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the remote hearing. Attachment B outlines procedures

and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic evidence presentations at the remote hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

18. To minimize the potential that the video-conference part of the hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

A. Unified Numbering System for Hearing Exhibits

19. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of hybrid evidentiary hearing.

20. As such, it is essential that the parties ensure they are able to access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

21. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1, regardless of content, before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to the presenting them during the hearing.

22. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote

hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

23. To efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Public Service is assigned hearing exhibit numbers 100 to 299;
- UCA is assigned hearing exhibit numbers 300 to 399;
- Staff is assigned hearing exhibit numbers 400 to 499

VI. ORDER

A. It is Ordered That:

1. Consistent with the above discussion, the deadline for a final Commission decision to issue in this Proceeding is extended by 130 days, per § 40-6-111, C.R.S.

2. The Colorado Public Utilities Commission Trial Staff and the Colorado Office of the Utility Consumer Advocate are acknowledged as parties as of right in this Proceeding.

3. The procedural schedule as stated in the Unopposed Motion and contained above is adopted.

4. A remote hearing is scheduled as follows:

DATE: August 11 & 12, 2025

TIME: 9:00 a.m.

PLACE: By video conference: using the Zoom web conferencing platform at a link be provided to the participants by email.

5. The parties and witnesses may not distribute the Zoom link and access code to anyone not participating in the remote hearing.

6. All participants in the hearing must comply with the requirements in Attachments A and B to this Decision, which are incorporated herein and, in the discussion above.

7. All evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a) have access to all pre-filed exhibits; and (b) can download and view documents available from box.com during the hearing.

8. The Parties shall be held to the advisements in this Decision.

9. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director