

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0036E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS TARIFF ON-BILL FINANCING PROGRAM.

**INTERIM DECISION DENYING
MOTION REQUESTING HEARING AND FINDING OF
EXTRAORDINARY CONDITIONS**

Issued Date: May 16, 2025

I. BY THE COMMISSION

A. Statement

1. By this Decision, Hearing Commissioner Tom Plant denies the Motion Requesting a Hearing and a Finding of Extraordinary Conditions filed by Trial Staff of the Colorado Public Utilities Commission (“Trial Staff”) on April 11, 2025 (“Motion”).

B. Background, Findings, and Conclusions

2. On January 6, 2025, Public Service Company of Colorado (“Public Service” or the “Company”) filed a Verified Application for Approval of its Tariff On-Bill Financing Program (“Application”).

3. On March 19, 2025, by Decision No. C25-0195-I, the Commission referred the Proceeding to the undersigned Hearing Commissioner.

4. On March 25, 2025, by Decision No. R25-0220-I, the Hearing Commissioner, among other things, extended the time within which to issue a Commission decision by 130 days

pursuant to § 40-6-109.5(1), C.R.S. The applicable statutory period was thereby extended up to and including November 3, 2025.

5. On April 11, 2025, Trial Staff filed the Motion requesting the Hearing Commissioner hold a hearing pursuant to § 40-6-109.5(4), C.R.S., to determine the existence of extraordinary conditions, and to extend the procedural schedule in this Proceeding by an additional 60 days.

6. Trial Staff argued the uncertainty of potential impacts due to House Bill (“HB”) 25-1268, which was pending legislative enactment at the time, warranted a hearing and a finding of extraordinary conditions. Trial Staff also pointed to the uncertainty surrounding available federal funding through the Environmental Protection Agency’s (“EPA”) Greenhouse Gas Reduction Fund (“GGRF”) as a justification for extending the Proceeding. Trial Staff also asserts the uncertain and unfinished nature of the Company’s contract with the Collective Clean Energy Fund (“CCEF”) – the entity identified to provide third-party financing for the Company’s on-bill financing program – as well as the Commission’s busy procedural schedule weigh in favor of a finding of extraordinary conditions.

7. On April 17, 2025, the Hearing Commissioner issued Decision No. R25-0296-I which, among other things, established a procedural schedule and extended the response time to the Motion to May 8, 2025 – one day after the conclusion of the Colorado legislative session – to allow parties to provide any potential timing or impacts anticipated by HB 25-1268. That decision also required Public Service, by May 8, 2025, to confer with the parties and confirm whether the current schedule or some other action is preferred.

8. On May 7, 2025, the Colorado legislative session ended and HB 25-1268 was not passed by the legislature. Specifically, HB 25-1268 was postponed indefinitely in the Senate Committee on Appropriations

9. On May 8, 2025, Public Service filed a Notice of Conferral Report in response to Decision No. R25-0296-I (“Notice”). Public Service states it conferred with the parties. Regarding the Proceeding’s procedural schedule, the Company explains the City of Boulder (“Boulder”), the City and County of Denver (“Denver”), and the Clean Energy Economy for the Region (“CLEER”) take no position. The Colorado Energy Office (“CEO”), the Southwest Energy Efficiency Project (“SWEEP”), and Energy Outreach Colorado (“EOC”) continue to support the current procedural schedule. Trial Staff maintains its position as described in its Motion and the Colorado Office of the Utility Consumer Advocate (“UCA”) and Colorado Energy Consumers (“CEC”) support Trial Staff’s position. Public Service states it takes no position on the Motion and further explains that, given HB 25-1268 did not pass, it is not intending to take further actions in this Proceeding, such as withdrawing its Application or voluntarily filing supplemental testimony. The Company also states it has not waived, nor does it intend to waive, its rights under § 40-6-109.5, C.R.S., for time limits on the Commission’s issuance of a decision in this Proceeding.

10. Also on May 8, 2025, CEO and SWEEP filed a response in opposition to Trial Staff’s Motion in which the two parties express their support for the procedural schedule established by Decision No. R25-0296-I and argue extraordinary conditions do not exist to justify an extension of the decision deadline under § 40-6-109.5(4), C.R.S.

11. CEO and SWEEP emphasize Trial Staff’s concerns regarding HB 25-1268 are now moot because the bill did not pass. CEO and SWEEP also assert that Trial Staff’s concern regarding the uncertain future of federal funds reflects a misunderstanding of the funding CCEF

will use for Public Service's proposed program. CEO and SWEEP explain that CCEF does not rely on federal funds for the Company's on-bill financing program. CEO and SWEEP provide a discovery response from Public Service in which the Company explains it understands CCEF will use state funds directed to it by Senate Bill 21-230 to launch the on-bill financing program and that the GGRF federal funds are not required for the Company's proposed program. CEO and SWEEP disagree with Trial Staff's assertion that the uncertainty and unfinished nature of a contract between Public Service and CCEF justifies a finding of extraordinary conditions. The two parties state they believe it would be valuable to have a Commission decision before a final contract is signed so that Public Service and CCEF can incorporate programmatic requirements – including the specific eligible measures, the interest rate, and the administrative costs – into the contract. CEO and SWEEP assert this will give the parties to the Proceeding the opportunity to weigh in on contract terms and the Commission can approve them before any contract is finalized. The two parties also emphasize it is common for the Company to wait until a proceeding ends to sign any related contract. Finally, CEO and SWEEP argue the press of work before the Commission and parties does not justify a finding of extraordinary conditions. However, the two parties state they are willing to work with the other parties and the Hearing Commissioner to modify the procedural schedule, so long as the Commission maintains the November 3, 2025, decision deadline.

12. Considering HB 25-1268 did not pass, as well as the arguments presented by CEO and SWEEP, the Hearing Commissioner concludes a finding of extraordinary conditions would not be justified at this point in the Proceeding and therefore a hearing is not needed to make such a finding. The Hearing Commissioner is unconvinced by the remaining arguments in Trial Staff's Motion that an extension of the procedural schedule timeline is necessary. As CEO and SWEEP

explain, the Company's proposed on-bill financing program is not dependent on the availability of federal GGRF funds. The Hearing Commissioner agrees with CEO and SWEEP that neither the uncertain nature of the Company's contract with CCEF nor the Commission's workload justify holding a hearing on extraordinary conditions. The parties to the Proceeding shall continue to adhere to the procedural schedule established by Decision No. R25-0296-I, as it appears in that decision.

II. ORDER

A. It Is Ordered That:

1. The Motion Requesting a Hearing and a Finding of Extraordinary Conditions, filed by the Trial Staff of the Public Utilities Commission ("Trial Staff") on April 11, 2025, is denied, consistent with the discussion above.

2. This Decision is effective immediately upon on its Issued Date.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

TOM PLANT

Hearing Commissioner

ATTEST: A TRUE COPY

Rebecca E. White,
Director