

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0112E

IN THE MATTER OF THE VERIFIED APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CHEYENNE RIDGE II WIND PROJECT, SINGING GRASS WIND PROJECT, AND TOWNER WIND PROJECT FROM THE ALTERNATIVE PORTFOLIO APPROVED IN PHASE II OF THE 2021 ELECTRIC RESOURCE PLAN & CLEAN ENERGY PLAN IN PROCEEDING NO. 21A-0141E.

**INTERIM DECISION SCHEDULING HEARING,
ESTABLISHING PROCEDURAL SCHEDULE,
EXTENDING DEADLINE FOR FINAL DECISION, AND
ADDRESSING OUTSTANDING MOTIONS**

Issued Date: May 30, 2025

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I. STATEMENT, SUMMARY AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision waives the remaining response time to Public Service Company of Colorado's ("Public Service" or "the Company") "Unopposed Motion . . . to Approve Consensus Procedural Schedule and Related Hearing Items and Request for Waiver of Response Time" filed May 22, 2025 ("Motion to Approve Schedule"); grants the same; schedules a fully remote evidentiary hearing for August 21 and 22, 2025; establishes a procedural schedule and procedures to accommodate that hearing; extends the deadline for a final decision to issue; and addresses outstanding motions.

B. Procedural History¹

2. On March 17, 2025, Public Service filed the above-captioned Verified Application ("Application") with supporting testimony and other exhibits. The Application seeks Certificates of Public Convenience and Necessity ("CPCNs") to construct the Cheyenne Ridge II, Singing Grass, and Towner wind projects ("the facilities").

3. Also on March 17, 2025, Public Service filed a Motion for Extraordinary Protection of Highly Confidential Information ("Motion" or "Motion for Extraordinary Protection") with attachments.

4. On March 18, 2025, the Commission provided public notice of the Application via its Notice of Application Filed ("Notice"). The Notice establishes a 30-day deadline to file interventions for everyone except Colorado Public Utilities Commission Trial Staff ("Staff"), who was given an additional seven days to intervene.

¹ Only the procedural history necessary to understand this Decision is included.

5. On March 25, 2025, the Office of the Utility Consumer Advocate (“UCA”) filed an Intervention as a Matter of Right, Request for Hearing, Entry of Appearances (“UCA’s Intervention”).

6. On April 16, 2025, the Colorado Energy Consumers (“CEC”) filed a Motion to Permissively Intervene (“CEC’s Intervention”).

7. On April 17, 2025, Climax Molybdenum Company (“Climax”) filed a Motion to Intervene Permissively (“Climax’s Intervention”).

8. On April 22, 2025, Staff filed a Notice of Intervention as of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing (“Staff’s Intervention”).

9. During its weekly meeting held April 23, 2025, the Commission deemed the Application complete, per § 40-6-109.5, C.R.S., and referred this matter to an administrative law judge (“ALJ”) for disposition by minute entry.

10. The undersigned ALJ was subsequently assigned to this Proceeding. The ALJ informally directed Public Service to confer with all those who filed an intervention on a procedural schedule and to file a proposed consensus procedural schedule by May 22, 2025.

11. On May 22, 2025, the Company filed the Motion to Approve Schedule.

12. To date, no entity has filed a response to any of the outstanding Motions.

II. DISCUSSION AND FINDINGS

A. Interventions

13. Commission rules allow for two types of interventions in proceedings such as these: interventions of right and permissive interventions.² Staff may intervene of right in any Commission proceeding and need not state the basis for a legally protected right that may be affected by the proceeding.³ Any other person or entity wishing to intervene of right must identify the basis for the legally protected right that may be affected by the proceeding.⁴ Persons seeking to permissively intervene must establish that the proceeding may substantially impact their pecuniary or tangible interests, and that those interests will not be otherwise adequately represented.⁵ Motions to permissively intervene must also state the specific grounds for intervention; the claim or defense within the Commission's jurisdiction on which the intervention is based; and why the movant is positioned to represent that interest in a manner that will advance the just resolution of the proceeding.⁶

14. If a party does not file a response to a motion within the time prescribed for a response, the Commission may deem that failure as confessing the motion.⁷ For most motions, parties have 14 days from the date of service to file a response.⁸ However, a party objecting to an intervention of right may only object by filing a motion to strike the intervention.⁹

² Rule 1401(b) and (c) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1

³ See Rule 1401(e), 4 CCR 723-1.

⁴ Rule 1401(b), 4 CCR 723-1.

⁵ Rule 1401(c), 4 CCR 723-1.

⁶ *Id.*

⁷ Rule 1400(d), 4 CCR 723-1.

⁸ Rule 1400(b), 4 CCR 723-1.

⁹ Rule 1401(b), 4 CCR 723-1.

15. Given that Rule 1401(e) allows Staff to intervene of right in any Commission proceeding, Staff is acknowledged as a party to this Proceeding.¹⁰

16. In support of its Intervention, UCA states that the Application implicates constituencies that it is statutorily responsible to represent per § 40-6.5-104, C.R.S., including the Company's residential, agricultural, and small business customers.¹¹ UCA identifies numerous issues that it wishes to address, and requests a hearing on the Application.¹² As no motion to strike UCA's Intervention was filed, it is deemed unopposed.¹³ Based on the information in its Intervention and because UCA's Intervention is unopposed, UCA is acknowledged as a party to this Proceeding.

17. CEC's Intervention states that Public Service takes no position on it and that UCA does not object to CEC's Intervention.¹⁴ In support of its Intervention, CEC explains that it is an unincorporated association of corporate entities authorized to transact business in Colorado, and that its members operate facilities within the Company's service territory and purchase electricity and related energy services from the Company.¹⁵ CEC asserts that because its members are some of the Company's largest industrial customers and major economic engines in Colorado, CEC's members have material interests in ensuring that service is reliable, and that charges are reasonable and affordable.¹⁶ CEC submits that the outcome of this Application will result in significant capital investment in the facilities at issue, which will directly impact CEC members' rates and the reliability of the Company's service to CEC members.¹⁷ As there have been no responses to CEC's

¹⁰ Rule 1401(e), 4 CCR 723-1.

¹¹ UCA's Intervention at 3.

¹² *Id.* at 4-5.

¹³ *See* Rule 1400(d) and 1401(b), 4 CCR 723-1.

¹⁴ CEC's Intervention at 1.

¹⁵ *Id.* at 2.

¹⁶ *Id.* at 3.

¹⁷ *Id.*

Intervention, it is deemed confessed and unopposed.¹⁸ Because CEC's Intervention is unopposed, and based on the information in its Intervention, the ALJ grants CEC's Intervention.

18. Climax's Intervention states that Public Service takes no position on it and that UCA does not object to Climax's Intervention.¹⁹ In support of its Intervention, Climax states that it receives electric service from the Company and is one of the Company's largest customers.²⁰ Climax explains that cost and reliability of its electric service are major factors in Climax's ability to continue its operations successfully, and that its electric service requirements are unique among the Company's electric customers.²¹ Climax states that the Commission's decision in this case will directly and substantially impact the cost, reliability, and adequacy of Climax's electricity service that is necessary for it to continue mining molybdenum.²² As a result, Climax asserts that the outcome in this case will substantially affect its tangible and pecuniary interests.²³ As there have been no responses to Climax's Intervention, it is deemed confessed and unopposed.²⁴ Because Climax's Intervention is unopposed, and based on the information in its Intervention, the ALJ grants Climax's Intervention.

19. Based on the foregoing, in addition to Public Service, the following are parties to this Proceeding: UCA, CEC, Climax, and Staff.

B. Motion for Extraordinary Protection

20. Rule 1101(b) requires that a motion seeking extraordinary protection of highly confidential information: include a detailed description of the information to be protected; state the

¹⁸ Rule 1400(d), 4 CCR 723-1.

¹⁹ Climax's Intervention at 1.

²⁰ *Id.* at 2.

²¹ *Id.*

²² *Id.* at 3.

²³ *Id.*

²⁴ Rule 1400(d), 4 CCR 723-1.

specific relief sought and grounds therefor; advise the parties of the request and the subject matter of the information at issue; establish that the information at issue is highly confidential and that highly confidential protection is necessary because rules providing protection for confidential information offer insufficient protection; be accompanied by a proposed nondisclosure agreement and an affidavit with names of all persons who have access to the information and the timeframe for protection; and either file the highly confidential information or establish why doing so would be overly burdensome, impractical or too sensitive for disclosure.²⁵

21. The Motion seeks extraordinary protection to restrict access to documents and information that fall into the following categories:

- negotiated commercial contract terms and conditions that are highly sensitive to the Company and the vendors the Company is transacting with to develop the facilities at issue, including executed commercial contracts and project agreements the Company entered into with development partners and/or vendors to support the facilities at issue (e.g., purchase sale agreements, balance of plant, material supply agreements, and service, maintenance, and warranty agreements) and the negotiated terms and conditions contained therein;
- pricing information associated with those commercial contracts or other information that could be used to derive cost figures, including any actual or estimated cost information (such as indicative pricing estimates) derived from commercial contracts and project agreements that the Company has entered into with development partners and vendors or other information that could be used to derive cost figures in those documents, to the extent incorporated in any other documents, including testimony and attachments submitted with the Application;
- any actual or estimated cost information associated with land rights and acquisitions for the facilities at issue;
- any information that is considered highly confidential information pursuant to a protective order in related Proceeding No. 21A- 0141E, the Company's 2021 Electric Resource Plan ("ERP") and Clean Energy Plan ("CEP") Proceeding ("2021 ERP & CEP Proceeding").²⁶

²⁵ Rule 1101(b), 4 CCR 723-1

²⁶ Motion at 2; 4-5.

22. As to the first category (contracts), the Company argues it would cause all parties significant competitive harm if the terms and conditions of these agreements became known to competitors, potential counterparties, or the Company's and vendors' potential future customers.²⁷ The Company explains that these terms and conditions were negotiated with the expectation of confidentiality.²⁸ Public Service argues that if future potential bidders have access to the highly confidential terms and conditions in these contracts, it would disadvantage the Company's and the counterparties' negotiating position for future deals; jeopardize the Company's relationship with these counterparties and vendors; and threaten the Company's ability to obtain favorable contract terms for the Company's customers.²⁹

23. As to the second category of information (pricing information), Public Service argues that it would cause all parties significant competitive harm if the pricing information became known to competitors, potential counterparties, or potential future customers for both the Company and these vendors.³⁰ The Company argues that if future potential bidders have access to the highly confidential pricing information and cost estimates, it would disadvantage the Company's and the counterparties' negotiating position for future deals; jeopardize the Company's relationship with these counterparties and vendors; and threaten the Company's ability to obtain favorable prices for the Company's customers.³¹

24. As to the third category (cost information on land rights and acquisitions), the Company argues that, like the above pricing information, if prices that have been negotiated or estimates of those costs became public, it would jeopardize the Company's ability to obtain the

²⁷ Motion at 4.

²⁸ *Id.*

²⁹ *See id.*

³⁰ *Id.*

³¹ *See id.* at 4-5.

lowest prices.³² Similarly, the Company's cost information associated with land right acquisitions are commercially and competitively sensitive, particularly since land right acquisition efforts for the facilities at issue are ongoing. If such information became public, it would be more difficult for Public Service to negotiate competitive prices or payment for these services or land rights.³³

25. As to the last category, Public Service asserts that granting extraordinary protection ensures that information designated highly confidential in one proceeding (the 2021 ERP & CEP) does not and cannot become public in a related proceeding.³⁴

26. The Company adds that if any of the highly confidential information is disclosed to developers of energy resources, competitive power suppliers, competitive suppliers or vendors, or existing or potential wholesale customers of developers of energy resources, it would negatively impact the Company's ability to solicit resources, negotiate beneficial terms, and obtain the best possible prices to acquire resources in the future.³⁵ Public Service argues that this could also negatively impact other vendors that are engaged in work related to the facilities by disclosing the terms and conditions of contracts deemed confidential and proprietary.³⁶ The Company notes that this sensitivity is particularly acute given that other power supply developers who stand to intervene in this proceeding could be customers of these same vendors.³⁷ Access to highly confidential information could harm any of these vendors if the pricing information became public and would also serve as a deterrent to offering their best pricing for components and products.³⁸

³² *Id.* at 5.

³³ *Id.* at 7.

³⁴ *Id.* at 5.

³⁵ *Id.* at 6.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

27. Public Service argues that the Commission has consistently provided extraordinary protection for commercially valuable and competitively sensitive documents containing negotiated contract terms and conditions and pricing information.³⁹ The Company submits that contracts and their respective terms, conditions, and pricing information for which Public Service seeks highly confidential protection are equally commercially and competitively sensitive and argues that if such information became public, it would be more difficult for Public Service to negotiate competitive prices, terms and conditions for these services, facilities, or property rights, while also undercutting vendors' negotiating power with developers.⁴⁰

28. To prevent disclosure in a manner that could cause great harm to the Company, to Public Service's customers, and to each individual vendor and their respective businesses, Public Service requests that access to highly confidential information be limited as requested below:

- to the Commission (including Commissioners, ALJs, and their attorneys and advisory staff); Staff (including counsel) and UCA (including counsel);⁴¹
- to any intervenors who does not develop energy resources or is not a competitive power producer, competitive supplier or vendor, an existing or potential wholesale customer of energy resources developers or an entity that might otherwise bid into a future Public Service resource solicitation or compete with the suppliers or vendors that are counterparties to these agreements have access to the highly confidential information, restricted to their counsel and subject matter experts who execute a highly confidential non-disclosure agreement in the form provided in Attachments A and B to the Motion not have access to the highly confidential information; and
- that interveners falling into the immediately preceding category above not have access to the highly confidential information at all.⁴²

29. The Company requests that the highly confidential information be destroyed or returned to it once this Proceeding is concluded.⁴³ The Company seeks protection for the above

³⁹ *Id.* at 7, citing numerous Commission decisions.

⁴⁰ *Id.*

⁴¹ The Company notes that the UCA would need to execute a highly confidential non-disclosure agreement as provided in Attachment A to the Motion. *Id.* at 5 fn. 1.

⁴² *Id.* at 5-6.

⁴³ *Id.* at 10.

highly confidential information regardless of how it is disclosed (*e.g.*, in discovery, testimony, exhibits).

30. With its Motion, the Company filed a proposed form nondisclosure agreements as Attachments A and B, and an Affidavit as Attachment C. The Affidavit identifies those with access to the highly confidential information, and requests that the information be protected indefinitely.⁴⁴

31. In response to Rule 1101(b)(VII)'s requirement to file the highly confidential information at issue, the Company states that certain highly confidential information is included with the Direct Testimonies of several Company witnesses (Hearing Exhibits 101 to 104), and thus, it does not refile that information here.⁴⁵ Public Service anticipates that highly confidential information will be produced through discovery or in workpapers. Because neither are part of the record unless moved into evidence, it submits that it is burdensome and impractical to file such information with the Motion.⁴⁶ The Company also states that it does not file such information with the Motion as the information is too sensitive given its highly competitive value.⁴⁷

32. As there have been no responses to the Company's Motion for Extraordinary Protection, the ALJ deems the Company's Motion confessed and unopposed.⁴⁸

33. Based on the information in the Company's Motion (discussed in detail above), and because the Motion is unopposed, the ALJ grants the Motion for Extraordinary Protection and affords extraordinary protection for the referenced highly confidential information as requested.⁴⁹ That said, the Company will be required to make a filing identifying the information that the

⁴⁴ Attachment C to Motion at 1-2.

⁴⁵ See Motion at 9.

⁴⁶ *Id.*

⁴⁷ Motion for Extraordinary Protection at 11.

⁴⁸ See Rule 1400(b) and (d), 4 CCR 723-1.

⁴⁹ To the extent necessary, and because the Company established good cause therefore, the ALJ waives Rule 1101(b)(VII), 4 CCR 723-1, for purposes of the Motion for Extraordinary Protection.

Commission deemed highly confidential in the 2021 ERP and CEP Proceeding, with supporting citations to Commission decisions granting a extraordinary protection. Doing so ensures that the record in this Proceeding clearly identifies information deemed highly confidential for which extraordinary protection will be afforded.

34. To be clear, extraordinary protection that this Decision grants extends to executable versions of documents containing such information, and any other disclosure of the same information in whatever format, including during an evidentiary hearing. All parties must ensure that filings (particularly exhibits and attachments) to which extraordinary protection is afforded comply with the identification and filing requirements in Attachment B to this Decision.⁵⁰

C. Procedural Schedule and Request for Supplemental Direct Testimony

35. The Motion to Approve Schedule states that no party opposes the relief sought therein.⁵¹ Because the Motion to Approve Schedule is unopposed, the Company asks that the response time to it be waived.⁵²

36. The Motion to Approve Schedule proposes the following procedural schedule:

Event	Date or Deadline
Answer Testimony	June 27, 2025
Rebuttal & Cross-Answer Testimony	July 18, 2025
Non-Testimonial Hearing Exhibits and Corrected Testimonial Hearing Exhibits	July 25, 2025
Settlement Agreement	July 28, 2025
Settlement Testimony	August 1, 2025
Exhibit and Witness List	August 6, 2025
Prehearing Motions	August 6, 2025

⁵⁰ To date, at least one of those filings fails to comply with these requirements. For example, on August 1, 2024, the Company filed and marked “Hearing Exhibit 103, Attachment HDH-1 Public Version” which is inconsistent with the requirements in Attachment B. In addition, none of the Company’s attachments to exhibits include any information on the nature of the attachment, which is also inconsistent with Attachment B.

⁵¹ Motion to Approve Schedule at 1-2.

⁵² *Id.* at 3.

Joint Witness Examination Matrix	August 6, 2025
Responses to Prehearing Motions	August 15, 2025
Evidentiary Hearing	August 21 and 22, 2025
Statements of Position	September 9, 2025 ⁵³

37. The Motion to Approve Schedule states that the parties agree that Rule 1405, 4 CCR 723-1 will govern discovery in this Proceeding and that the hearing should be held remotely.⁵⁴

38. Because the Motion to Approve Schedule is unopposed, the ALJ finds good cause to waive the response time to it and does so.⁵⁵

39. The ALJ finds that the requests for relief in the Motion to Approve Schedule are reasonable and appropriate. As such, the Motion to Approve Schedule is granted as set forth in the ordering paragraphs below.

40. UCA's Intervention asks the Commission to require the Company to provide supplemental direct testimony addressing the potential that approval of the Towner Project (at issue in the Application) may result in the required construction of the \$1.8 billion Harvest Mile-Chambers-Sandown-Cherokee transmission project.⁵⁶ UCA asks that the Company model and provide associated transmission and distribution costs related to both Towner and/or Heartstrong approval, related injection capabilities and constraints, and other relevant metrics to compare the projects to determine which is in the public interest.⁵⁷ The ALJ finds that a more efficient way to address the issues would be for UCA to gather information from the Company either informally or formally through discovery and to present its arguments relating to these issues in its Answer Testimony. The Company and other parties may respond to any resulting arguments through

⁵³ *Id.* at 2-3.

⁵⁴ *Id.* at 3.

⁵⁵ *See* Rule 1400(b), 4 CCR 723-1; Motion to Approve Schedule at 1-3.

⁵⁶ *Id.* at 5.

⁵⁷ *Id.*

Rebuttal and Cross-Answer Testimony. Given these available options and the nature of the requested supplemental direct testimony, the ALJ finds that UCA has not established good cause to require such testimony. What is more, the parties' proposed procedural schedule does not include a deadline for supplemental direct testimony, which would be difficult to accommodate while also meeting the statutory deadline for a final Commission decision to issue. For the reasons discussed, UCA's request for supplemental direct testimony is denied.

41. Attachment A hereto includes important technical information and requirements to facilitate accommodating remote hearing participation. Persons wishing to observe but not participate in the hearing are encouraged to observe the hearing via the Commission's webcast, rather than join the Zoom hearing. This will help minimize background noise and avoid issues that may arise should the ALJ need to hold confidential or highly confidential hearing session.

42. Attachment B includes information and requirements to facilitate electronic evidentiary presentations at the hearing. Many requirements in Attachment B apply to formatting, marking, and filing exhibits, and are critical to ensure a smooth evidentiary presentation. Parties have repeatedly failed to follow requirements in Attachment B in numerous prior proceedings. As such, the parties must carefully review Attachment B and ensure that they comply with all requirements therein. Examples of typical failures to comply include parties failing to: include the title of or a brief description of attachments to exhibits in exhibit lists; title attachments to exhibits to include the title or description of the document (*i.e.*, the substantive nature of the attachment), but instead identifying them only by exhibit and attachment number (*i.e.* Hearing Exhibit 101, Attachment ABC-1 instead of Hearing Exhibit 101, Attachment ABC-1, Map); follow procedures for exhibits and attachments that include confidential or highly confidential information; and follow identification requirements for revised exhibits or attachments thereto.

43. These repeated errors have resulted in a tremendous waste of resources—both by Commission support staff, who have been forced to carefully review each filed exhibit and contact parties to point out errors—and by parties who have to reformat and refile exhibits, sometimes during the course of the evidentiary hearing. It has also created unnecessary confusion as to which exhibits will be offered into evidence, particularly when parties incorrectly number their exhibits, fail to correctly mark revised exhibits, or fail to file a public version of confidential or highly confidential exhibits. As such, the parties are directed to take extra care to ensure they comply with all requirements in Attachment B.

44. To minimize the potential that the evidentiary hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the parties' counsel by email before the hearing, and the parties will be prohibited from distributing that information to anyone not participating in the hearing.⁵⁸ Counsel and the parties are responsible for ensuring that their witnesses receive the Zoom information needed to join the hearing.

45. *The parties are on notice* that consistent with Commission practice, friendly cross-examination will not be permitted during the evidentiary hearing.

D. Deadline for Final Commission Decision

46. Given the approved procedural schedule and the nature of the issues involved in this Proceeding, the ALJ finds that additional time is necessary for a final Commission decision to issue.⁵⁹ As such, the ALJ extends the statutory deadline for a final Commission decision to issue by 130 days, as permitted by § 40-6-109.5(1), C.R.S. Because the Commission deemed the Application

⁵⁸ Approximately one week before the hearing, counsel will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this Proceeding. Counsel must ensure that the Commission has their most current email address.

⁵⁹ Indeed, the parties' proposed procedural schedule specifically contemplates that a final Commission decision will issue by December 29, 2025. Motion to Approve Schedule at 3.

complete on April 23, 2025, the deadline for a final Commission decision is extended to December 29, 2025, per § 40-6-109.5(1), C.R.S.

III. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, Public Utilities Commission Trial Staff (“Staff”) and the Office of the Utility Consumer Advocate (“UCA”) are acknowledged as intervening parties in this Proceeding. The Colorado Energy Consumers’ (“CEC”) Motion to Permissively Intervene filed April 16, 2025 and Climax Molybendum Company’s (“Climax”) Motion to Intervene Permissively filed April 17, 2025 are granted. As such, in addition to Public Service Company of Colorado (“Public Service”), the following are parties to this Proceeding: UCA, CEC, Climax, and Staff.

2. Public Service’s Motion for Extraordinary Protection of Highly Confidential Information filed March 17, 2025 is granted consistent with the above discussion. On or by June 9, 2025, Public Service must make a filing identifying the information that the Commission deemed highly confidential in Proceeding No. 21A- 0141E, the Company’s 2021 Electric Resource Plan and Clean Energy Plan Proceeding, with supporting citations to Commission decisions granting extraordinary protection.

3. The deadline for a final Commission decision to issue in this Proceeding is extended by 130 days to December 29, 2025, per § 40-6-109.5(1), C.R.S.

4. UCA’s request for supplemental direct testimony is denied.

5. The remaining response time to Public Service’s “Unopposed Motion . . . to Approve Consensus Procedural Schedule and Related Hearing Items and Request for Waiver of Response Time” filed May 22, 2025 (“Motion”) is waived and the Motion is granted as set forth below.

6. A fully remote evidentiary hearing on the above-captioned Application is scheduled as follows:

DATE: August 21 and 22, 2025
TIME: 9:00 a.m. each day
PLACE: By videoconference using Zoom.

7. The parties are responsible for sharing the link, meeting ID code, and passcode with witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing.

8. All parties must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision as if fully set forth herein.

9. Non-participants in the evidentiary hearing may observe the hearing live through the Commission's webcast for the Hearing Room assigned for each of the above hearing dates, which may be accessed at this link: <https://puc.colorado.gov/webcasts>.

10. **Answer Testimony Deadline.** Interveners' answer testimony must be filed and served by June 27, 2025.

11. **Rebuttal and Cross-Answer Testimony Deadlines.** Public Service's rebuttal testimony, and Interveners' cross-answer testimony must be filed and served by July 18, 2025.

12. **Deadline for Non-Testimonial Hearing Exhibits.** By July 25, 2025, the parties must file and serve any non-testimonial hearing exhibits that they plan to offer into evidence (*i.e.*, exhibits that are not written testimony). The parties are not required to pre-file and serve hearing exhibits which may be used solely for impeachment, to refresh recollection, or for rebuttal. *The parties are on notice* that if they do not prefile an exhibit for any of these reasons, they must establish at hearing that the exhibit is being used for impeachment or to refresh recollection consistent with the

requirements of Rules 612 and 613 of the Colorado Rules of Evidence, or for rebuttal. Any party may use any other party's hearing exhibits during the hearing and should not file them separately.

13. Corrections, Modifications, and Amendments to Testimonial Exhibits.

By July 25, 2025, the parties must file and serve any corrected, modified, or amended testimonial exhibits and attachments thereto (*i.e.*, corrections to answer, rebuttal, and cross-answer testimony and attachments). The parties are **again** reminded that such filings **must comply** with the specific requirements in Attachment B relating to corrected, modified, or amended testimonial exhibits and attachments. The parties may make corrections to testimonial exhibits and attachments thereto without filing a motion seeking leave to do so. Corrections include minor changes, such as fixing typographical or formatting errors. Corrections do not include material or substantive changes. Material or substantive changes to a testimonial hearing exhibit or attachment thereto amount to amending or modifying such documents. Any party wishing to amend or modify a testimonial exhibit or attachment thereto must file a motion establishing good cause; such a motion must be filed as soon as the party becomes aware of the need to amend or modify the filing. The parties must confer with each other prior to filing such a motion. Unreasonable delay in filing such a motion is grounds to deny the motion.

14. Deadline for Stipulations and Settlement Agreements. The parties must file and serve any stipulations and settlement agreements by July 28, 2025.

15. Deadline for Settlement Testimony. The parties must file and serve testimony in support of or in response to any settlement agreement that is filed by August 1, 2025.

16. Deadline for Hearing Exhibit and Witness Lists. By August 6, 2025, the parties must file and serve complete exhibit and witness lists. Witness lists must include a brief description of the witnesses' anticipated testimony and the witnesses' contact information. Exhibit lists must

identify the hearing exhibit and attachment number, the full title of each hearing exhibit and attachment thereto and include a brief description of each hearing exhibit and attachment thereto that the party intends to offer into evidence during the evidentiary hearing. Describing an exhibit or attachment solely by identifying the exhibit or attachment number **does not meet** this requirement.

17. **Deadline for Joint Witness Examination Matrix.** By August 6, 2025, the parties must file a joint witness examination matrix listing all the witnesses the parties anticipate will testify at the hearing and the anticipated amount of time each party will use to examine the witnesses. To the extent practicable, the witnesses should be listed in the order in which they will be called. The parties also must assume that the Administrative Law Judge will use some time to examine witnesses.

18. **Deadlines for Prehearing Motions and Responses Thereto.** The parties must file and serve any prehearing motions by August 6, 2025. Responses to prehearing motions must be filed by August 15, 2025.

19. **Deadline for Statements of Position.** By September 9, 2025, the parties must file and serve Statements of Position.

20. **Hearing Exhibit Number Block Assignments.** To efficiently organize exhibits that will be presented during the evidentiary hearing, all parties must use a unified numbering system for all hearing exhibits, consistent with the directions in Attachment B, using hearing exhibits within their assigned exhibit number blocks. The parties are assigned the following hearing exhibit numbers:

Party	Assigned Hearing Exhibit Numbers
Public Service	100 to 299
UCA	300 to 399

CEC	400 to 499
Climax	500 to 599
Staff	600 to 699

21. Any party requiring more exhibit numbers than assigned may use the same numerical sequence of exhibit numbers assigned to them, but in the 1000 range (*e.g.*, Public Service will use hearing exhibit numbers 1100-1299). Hearing Exhibit 700 is reserved for the hyperlinked spreadsheet that will be used during the hearing to present evidence.

22. **Obligation to Review Hearing Spreadsheet.** The parties must review the hyperlinked spreadsheet (distributed to them prior to the hearing) that will be used during the hearing to electronically present exhibits and confirm that it correctly includes all the exhibits that they intend to offer into evidence during the hearing.

23. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge