

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0194E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2026-2027 RENEWABLE ENERGY COMPLIANCE PLAN, DISPATCHABLE DISTRIBUTED GENERATION PROCUREMENT PROPOSAL, AND CORRESPONDING MODIFICATIONS TO ITS RENEWABLE ENERGY STANDARD ADJUSTMENT AND ELECTRIC COMMODITY ADJUSTMENT COST RECOVERY MECHANISMS.

**INTERIM DECISION ADDRESSING MOTION,
SCHEDULING HEARING, AND ESTABLISHING
PROCEDURAL DEADLINES**

Issued Date: August 14, 2025

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I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY¹

1. This Decision grants in part and denies in part a motion for reconsideration; sets a procedural schedule to govern this Proceeding; sets a deadline for supplemental direct testimony; sets a remote evidentiary hearing; and provides information to the parties on how to participate in the hearing.

2. On May 12, 2025, Public Service Company of Colorado (“Public Service”) filed its Verified Application of Public Service Company of Colorado for Approval of its 2026-27 Renewable Energy Compliance Plan (“Application” or “Proposed RE Plan”).

3. On July 21, 2025, by Decision No. C25-0532-I, the Colorado Public Utilities Commission (“Commission”) deemed the Application complete and referred the matter to an Administrative Law Judge (“ALJ”) for a determination. The Commission also ordered Public Service to file supplemental direct testimony in this Proceeding and directed the ALJ to set a deadline for that by separate decision.²

4. In addition to Public Service, the following entities are parties to this Proceeding: the Office of the Utility Consumer Advocate (“UCA”); the Colorado Energy Office (“CEO”); Commission Staff (“Staff”); Pivot Energy Inc. (“Pivot”); the City of Boulder (“Boulder”); Energy Outreach Colorado (“Energy Outreach”); Western Resource Advocates (“WRA”); SunShare, LLC (“SunShare”); the Colorado Solar and Storage Association (“COSSA”), Solar Energy Industries Association, and Coalition for Community Solar Access (collectively, “Associations”); Climax Molybdenum Company (“Climax”); Cloudbreak Energy Partners, LLC (“Cloudbreak”); and GreenLatinos, GRID Alternatives, and Vote Solar (collectively, “EJC”).³

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

² *Id.* at p. 10.

³ Decision No. R25-0562-I (July 31, 2025 at p. 14).

5. In Decision No. R25-0532-I, the ALJ ordered Public Service to confer with the parties and file a consensus procedural schedule by August 15, 2025, with the evidentiary hearing concluding no later than November 20, 2025.⁴

6. On August 7, 2025, counsel for COSSA emailed the ALJ a consensus procedural schedule that addressed some, but not all of the items the ALJ required the parties include in their consensus procedural schedule in Decision No. R25-0532-I. This schedule proposed, among other items, that Public Service file its supplemental direct testimony by August 29, 2025 and that the evidentiary hearing occur from December 8 to 12, 2025.⁵

7. On August 14, 2025, COSSA filed a Motion for Reconsideration of Decision R25-0562-I, Or Request for Extension of Time for Commission Decision (“Motion”).⁶ The Motion outlines a proposed procedural schedule to which no party objects and asks the ALJ to reconsider certain requirements for proposed deadlines that the ALJ outlined in Decision No. R25-0562-1.⁷

II. DISCUSSION AND FINDINGS

A. Deadline for Final Commission Decision

8. Because Public Service filed supporting testimony with its Application, the Commission’s deadline to issue a decision in this Proceeding is 120 days after the Commission deemed the Application complete, but this can be extended by 130 days if the Commission finds that additional time is necessary.⁸ Given the parties’ proposed procedural schedule, and the nature of the issues involved in this Proceeding, the ALJ finds that more time is necessary to properly

⁴ Decision No. R25-0562-I (July 31, 2025 at p. 15).

⁵ See Attachment C to this Decision.

⁶ COSSA filed the Motion on behalf of the Associations.

⁷ Motion at pp. 2-3.

⁸ § 40-6-109.5(1), C.R.S.,

adjudicate this matter.⁹ As such, the ALJ extends the statutory deadline for a final Commission decision by 130 days to March 30, 2026.¹⁰

B. Motion and Procedural Schedule

9. In the Associations' Motion, the Associations state that all parties in the Proceeding support the Motion or take no position, rendering it unopposed.¹¹ Because the Motion is unopposed, the ALJ finds good cause to waive the response time to it, and does so.¹²

10. The Associations request that the ALJ reconsider the deadline for completing the evidentiary hearing (November 20, 2025), as outlined in Decision No. R25-0562-I.¹³ The ALJ reconsiders the November 20, 2025 hearing deadline in Decision No. R25-0562-I below. For the reasons discussed below, the ALJ cannot accommodate the parties' proposed consensus schedule, and will grant the Motion in part and deny the Motion in part.

11. The Associations also request that, in the alternative, the ALJ revise Decision No. R25-0532-I "to extend the deadline for a Commission decision by 30 days pursuant to § 40-6-109.5, C.R.S." to "accommodate the [parties' partial proposed consensus schedule], but still provide adequate time for contemplation of a Commission decision after hearing."¹⁴

12. Section 40-6-109.5(4), C.R.S., allows the Commission, "in particular cases, under extraordinary conditions and after notice and a hearing at which the existence of extraordinary

⁹ See § 40-6-109.5(1), C.R.S.

¹⁰ See § 40-6-109.5(1), C.R.S.

¹¹ Motion at p. 1.

¹² See Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1.

¹³ Motion at p. 2.

¹⁴ Motion at p. 4.

conditions is established” to extend the statutory time limits for a Commission decision for a period not to exceed an additional 130 days.

13. While the Associations set forth some rationale for seeking an extension, the Associations did not request a hearing or specify how extraordinary conditions are present in this Proceeding. Accordingly, the ALJ denies this part of the Motion without prejudice. Any party seeking an extension of the statutory deadline per § 40-6-109.5(4), C.R.S., may request a hearing at which the ALJ will hear from the parties on whether extraordinary conditions exist.

14. The Motion’s proposed partial procedural schedule contemplates a hearing ending on December 12, 2025.¹⁵ Although the proposed consensus schedule is incomplete¹⁶, the ALJ finds that the schedule in the Associations’ Motion substantially complies with Decision No. R25-0532-I’s requirement that Public Service file a proposed procedural schedule by August 15, 2025. The ALJ also finds that the parties’ proposed hearing date cannot be accommodated and refers the parties to Decision No. R25-0532-I for further explanation.

15. To accommodate the parties’ desire for more time to prepare for hearing and potential settlement, however, the ALJ will adopt the following procedural schedule:

Procedural Activity¹⁷	Deadline
Supplemental Direct Testimony	Friday, August 22, 2025
Answer Testimony	Friday, September 19, 2025
Rebuttal & Cross-Answer Testimony	Friday, October 17, 2025
Exhibit and Witness List Exchange	Friday, October 24, 2025
Non-Testimonial Exhibits	Monday, October 27, 2025

¹⁵ See Motion at p. 2.

¹⁶ For example, the proposed schedule did not include a deadline for witness and exhibit list exchange.

¹⁷ The ALJ refers the parties to Decision No. R25-0532-I for further explanation related to these procedural activities.

Procedural Activity¹⁷	Deadline
Public Comment Hearing ¹⁸	TBD
Stipulations/Settlement Agreement	Wednesday, November 5, 2025
Settlement Testimony	Wednesday, November 12, 2025
Corrections to Pre-Filed Testimony and Exhibits	Friday, November 14, 2025
Joint Cross-Examination Matrix	Friday, November 14, 2025
Pre-Hearing Motions	Friday, November 21, 2025
Responses to Pre-Hearing Motions	Wednesday, November 26, 2025
Hearing	Tuesday December 2, 2025- Friday December 5, 2025
Statements of Position	Thursday, December 18, 2025

C. Supplemental Direct Testimony

16. The Motion proposes that Public Service file its supplemental direct testimony by August 29, 2025, or 39 days after the Commission ordered that Public Service must provide the testimony. This proposed deadline does not work for the schedule that the ALJ is approving. Given that Public Service has been on notice that it must file supplemental direct testimony since the Commission ordered it on July 21, 2025, the ALJ finds that Public Service will have ample time to complete and file this testimony by August 22, 2025, which is a more appropriate deadline given the remainder of the procedural schedule. As such, this Decision sets an **August 22, 2025** deadline for Public Service to file supplemental direct testimony.

III. REMOTE HEARING

17. Based on the flexibility it affords the parties and their witnesses, the evidentiary hearing in this matter will be held in a remote format. A remote hearing is where the parties and

¹⁸ The ALJ will set the public comment hearing by separate decision.

ALJ appear remotely. The hearing will be scheduled for **December 2-5, 2025**, at 9:00 a.m. daily as ordered below. A webcast of the proceedings will be available to the public through the Commission's website at <https://puc.colorado.gov/webcasts>.

18. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow. This includes, but is not limited to, following Attachment B's requirements regarding parties' requirements 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) and not just the 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.

19. The procedures developed for the remote evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by video conference allows parties and witnesses to view exhibits on the video conference screen while the exhibits are being offered into evidence and witnesses testify about them.

20. The remote evidentiary hearing will be conducted via video conference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the 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 by email approximately one week before the hearing and the parties

and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

21. At the 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 proceeding. Given that the hearing will require remote participation by video conference, exhibits must be presented electronically.

22. The Commission's Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of hybrid evidentiary hearing.¹⁹ As such, it is essential that the parties ensure they can 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.

23. 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.

¹⁹ Box.com is a web-based document sharing service. When exhibits are first presented during the hearing, the Commission will receive them electronically from each party's box.com folder for display.

24. 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.**

25. 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 300-399;
- CEO is assigned hearing exhibit numbers 400-499;
- Staff is assigned hearing exhibit numbers 500-599;
- Pivot is assigned hearing exhibit numbers 600-699;
- Energy Outreach is assigned hearing exhibit numbers 700-799;
- Boulder is assigned hearing exhibit numbers 800-899;
- WRA is assigned hearing exhibit numbers 900-999;
- SunShare is assigned hearing exhibit numbers 1000-1099;
- The Associations are assigned hearing exhibit numbers 1100-1199;
- Climax is assigned hearing exhibit numbers 1200-1299;
- Cloudbreak is assigned hearing exhibit numbers 1300-1399; and
- EJC is assigned hearing exhibit numbers 1400-1499.

26. Any party requiring more exhibit numbers than assigned may use the same numerical sequence of exhibit numbers assigned to them, but in the 2000 range (*e.g.*, Public Service will use hearing exhibit numbers 2100-2299, *etc.*). Hearing Exhibit 1500 is reserved for the hyperlinked spreadsheet that will be used during the hearing to present evidence.

27. The parties are advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties to be familiar

with and to comply with these rules. The rules are available on the Commission's website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

28. Each party is specifically advised that all filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

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

IV. ORDER

A. It Is Ordered That:

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

DATE: December 2-5, 2025

TIME: 9:00 a.m. each day

PLACE: By videoconference using Zoom

2. 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.

3. 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.

4. 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>.

5. Public Service Company of Colorado (“Public Service”) is not required to file a proposed consensus schedule.

6. The Motion for Reconsideration of Decision R25-0562-I, Or Request for Extension of Time for Commission Decision filed August 14, 2025 is granted in part and denied in part, consistent with the above discussion.

7. **Supplemental Direct Testimony Deadline.** Public Service must file and serve its required supplemental direct testimony by **August 22, 2025**.

8. **Answer Testimony Deadline.** The parties must file and serve their answer testimony by **September 19, 2025**.

9. **Rebuttal and Cross-Answer Testimony Deadline.** The parties must file and serve their rebuttal and cross-answer testimony by **October 17, 2025**.

10. **Exhibit and Witness List Exchange Deadline.** By **October 24, 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.

11. **Non-Testimonial Hearing Exhibits Deadline.** By **October 27, 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.

12. **Stipulations/Settlement Agreement Deadline.** The parties must file and serve any stipulations and settlement agreements by **November 5, 2025**.

13. **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 **November 12, 2025**.

14. **Corrections, Modifications, and Amendments to Testimonial Exhibits Deadline.** By **November 14, 2025**, the parties must file and serve any corrected, modified, or amended testimonial exhibits and attachments thereto. 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.

15. **Deadline for Joint Witness Examination Matrix.** By **November 14, 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 (“ALJ”) will use some time to examine witnesses.

16. **Prehearing Motions Deadline.** The parties must file and serve any prehearing motions by **November 21, 2025**.

17. **Responses to Prehearing Motions Deadline.** The parties must file and serve any responses to prehearing motions by **November 26, 2025**. Replies to motions will not be allowed.

18. **Deadline for Statements of Position.** The parties must file and serve their statements of position by **December 18, 2025**. The parties are on notice that the ALJ may change this deadline at the conclusion of the hearing.

19. **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 ²⁰
Public Service	100 to 299
The Office of the Utility Consumer Advocate	300 to 399
Colorado Energy Office	400 to 499

²⁰ The parties should refer to footnote 7 above for explanation on how to number exhibits if they go beyond their number block.

Party	Assigned Hearing Exhibit Numbers ²⁰
Staff of the Colorado Public Utilities Commission	500 to 599
Pivot Energy Inc.	600 to 699
Energy Outreach Colorado	700 to 799
The City of Boulder	800 to 899
Western Resource Advocates	900 to 999
SunShare, LLC	1000 to 1099
The Colorado Solar and Storage Ass'n, Solar Energy Industries Ass'n, and Coalition for Community Solar Access	1100 to 1199
Climax Molybdenum Company	1200 to 1299
Cloudbreak Energy Partners, LLC	1300 to 1399
GreenLatinos, GRID Alternatives, and Vote Solar	1400 to 1499

20. 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

KELLY A. ROSENBERG

Administrative Law Judge