

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24R-0306E

IN THE MATTER OF MODIFICATIONS TO THE COMMISSION'S ELECTRIC RULES TO ADDRESS THE IDENTIFICATION AND PROTECTION OF SITES OF HISTORIC AND CULTURAL SIGNIFICANCE TO FEDERALLY RECOGNIZED TRIBAL NATIONS.

**INTERIM DECISION
SCHEDULING CONTINUED
PUBLIC COMMENT HEARING**

Issued Date: December 17, 2024

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision memorializes the continuation of the December 16, 2024 public comment hearing to March 25 2025, at 11:00 a.m. and provides information on how to submit public comments and participate in the continued public comment hearing.

B. Procedural History¹

2. On July 11, 2024, the Colorado Public Utilities Commission (“Commission”) initiated this matter to amend its Rules Regulating Electric Utilities, 3 *Code of Colorado Regulations* (“CCR”) 723-3 (“Electric Rules”) to clarify requirements relating to utility infrastructure projects’ impacts on historic and cultural significant sites and Tribal governments,² among other matters.³ At the same time, the Commission scheduled a public comment hearing for August 27, 2024, at 11:00 a.m., and referred this matter to an Administrative Law Judge (“ALJ”).⁴

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

² This Decision uses the terms “Tribal governments” to refer to tribal nations and governments.

³ Decision No. C24-0494 at 1 (issued July 11, 2024) (“NOPR”).

⁴ *Id.* at 24-25. See Attachments A and B to NOPR.

3. The first assigned ALJ (ALJ Alenka Han) held the August 27, 2024 public comment hearing, during which she continued the hearing to October 29, 2024.⁵ The undersigned ALJ held the October 29, 2024 public comment hearing, during which she continued the hearing to December 16, 2024 at 11:00 a.m.⁶ In the written decision memorializing this, the ALJ identified specific issues for additional public comment; established deadlines to submit public comments responding to those issues and initial responsive comments; and scheduled the continued public comment hearing to December 16, 2024.⁷

4. Members of the public filed comments responding to the issues the ALJ identified for additional public comment.

5. The ALJ held the December 16, 2024 public comment hearing as noticed. Members of the public appeared.

II. FINDINGS AND CONCLUSIONS

A. Continued Public Comment Hearing

6. As discussed during the December 16, 2024 public comment hearing, the circumstances warrant an additional public comment hearing. Specifically, the ALJ explained during the hearing that she is considering taking administrative notice of materials referenced in public comments and identifying additional issues for public comment.⁸ If the ALJ does this, a separate decision will issue in January 2025 outlining the details and allowing for additional written comment before the continued public comment hearing. For all these reasons, during the December 16, 2024 public comment hearing, the ALJ continued the hearing to March 25, 2025 at

⁵ Decision No. R24-0631-I (issued September 4, 2024).

⁶ Decision No. R24-0821-I (issued November 13, 2024).

⁷ *Id.*

⁸ The last comments were filed days before the December 16, 2024 public comment hearing, which did not afford the ALJ enough time to determine with certainty whether she will take this course of action.

11:00 a.m., which will be held remotely using the web-hosted videoconferencing service, Zoom. An additional public comment hearing will allow more opportunities for the public to provide comments and will afford the ALJ more time to evaluate the numerous complex issues raised in this Proceeding before issuing a written recommended decision.

B. Observing the Public Comment Hearing

7. Consistent with Commission practice, the public comment hearing will be webcast on the Commission's website. Persons wishing to observe, but not provide comments may do so by observing the webcast of the hearing and need not register through Zoom. To observe the hearing by webcast, enter this link in the web browser: <https://puc.colorado.gov/webcasts> and select the audio or video option for the assigned hearing room. The assigned hearing room will be identified on the Commission's public calendar for the date and time of the hearing, at the following link: <https://puc.colorado.gov/puccalendar>

C. Participating in the Public Comment Hearing

8. Members of the public who wish to participate in the public comment hearing should not appear in person at the Commission's offices but should instead appear remotely via Zoom. Those interested in providing public comment during the hearing must register in advance using a link posted on the calendar of events on the Commission's website at <https://puc.colorado.gov/puccalendar>. Registrants will receive an email with a link to join the public comment hearing via Zoom so that they may provide comment. Interested persons who have difficulty obtaining the link and registering can contact the Commission for assistance at (303) 894-2000.

9. Videoconference participation is preferred and encouraged because it allows for the hearing to be held in a manner most similar to in-person hearings, while maintaining the flexibility,

efficiency, and resource-savings that remote participation provides. Nevertheless, interested persons have the option to participate by telephone.

10. Those registered to provide comment during the hearing are strongly encouraged to prepare in advance and familiarize themselves with how to use the Zoom meeting platform. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by videoconference using a computer. This is intended to ensure that the remote hearing proceeds efficiently. Hence, it is important that registered video conference participants carefully review and follow all requirements in this Decision and Attachment A.

11. During the public comment hearing, the ALJ will take necessary action to facilitate a clear and understandable record, and to ensure the orderly progress of the hearing. For the same reasons, all participants are required to: (a) mute their microphone during the hearing until called upon by the ALJ; (b) ensure they are participating from a location with minimal or no background noise; (c) not connect to the hearing using multiple devices located in the same room (which causes audio feedback); and (d) input their full name into Zoom when prompted to do so. Participants are encouraged to use a headset to listen to the hearing to reduce background noise and feedback and to use a computer, smart phone, or tablet that is connected to the internet and has an operational microphone, speaker, and camera.

12. The public comment hearing is scheduled to commence at 11:00 a.m. Consistent with Commission practice, the public comment hearing will conclude no later than 5:00 p.m., or when all public comments have been received, *whichever is earlier*. The hearing will not be held open for public comments after all those who have appeared have provided public comment, even if this means concluding the hearing well before 5:00 p.m. For example, if all those who appear at the hearing have provided public comment by 11:30 a.m. or sooner, the hearing will be concluded.

This also means that anyone who chooses to join the public comment hearing after the 11:00 a.m. start time assumes the risk that the hearing will be concluded before they join.

13. The Commission strives to accommodate all members of the public at its hearings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Registrants requesting an interpreter during the public comment hearing should complete the “Language Access Form” available at the “How to Make Comments” tab at <https://puc.colorado.gov/how-to-participate> at least one week prior to the hearing. Requests for accommodation can also be made directly by contacting Holly Bise at (303) 894-2024 or holly.bise@state.co.us.

D. Methods to Submit Public Comment

14. Interested persons wishing to provide public comment need not participate in the public comment hearing to do so. Interested persons may submit written comments by (a) mailing comments to the Commission at 1560 Broadway, Suite 250, Denver, Colorado 80202; (b) electronically filing comments through the Commission’s Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this Proceeding; (c) using the “FILE A COMMENT OR COMPLAINT” option on Commission’s website at <https://puc.colorado.gov/>; or (d) emailing the Commission at dora_puc_website@state.co.us. All comments must include a reference to this Proceeding number (No. 24R-0306E). Failure to do so may result in the written comments not being placed in the record in this Proceeding.

15. Interested persons may also submit verbal comments via a voice mail message at (303) 869-3490 or during the scheduled public comment hearing. Those leaving voice mail public comments must state and spell their name and include this Proceeding number (No. 24R-0306E) in their message. Voice mail messages will be transcribed and placed in the record of this

Proceeding. Failure to the Proceeding number in voice mail public comments may result in the voice mail comments not being placed in the record in this Proceeding.

16. Although the Commission prefers written comments over verbal comments, it equally considers public comments, regardless of the format in which they are submitted.

17. Since an additional public comment hearing has been scheduled, the record remains open for additional written public comments for an additional two weeks after the public comment hearing has concluded to April 8, 2025.

III. ORDER

A. It Is Ordered That:

1. The public comment hearing in Proceeding No. 24R-0306E is continued as set forth below and during the December 16, 2024 public comment hearing.

2. The continued fully remote public comment hearing in this matter is scheduled as follows:

DATE: March 25, 2025

TIME: 11:00 a.m.

PLACE: By videoconference using a Zoom link emailed to those who register for the hearing through the registration link on the Commission's calendar of events at <https://puc.colorado.gov/puccalendar>.

3. All those who wish to provide comments during the public comment hearing must register for the hearing to receive the Zoom information to join the public comment hearing. Interested persons must register to participate in the public comment hearing by clicking on a link available on the Commission's calendar of events on its website for the date and time(s) of the hearing at <https://puc.colorado.gov/puccalendar>, and following the requirements in Attachment A hereto, which is incorporated as if fully set forth herein.

4. Those wishing to observe but not provide comment in the above public comment hearing may do so by observing the Commission's webcast for the assigned hearing room at <https://puc.colorado.gov/webcasts>.

5. Members of the public who wish to provide written or oral comments outside of the public comment hearing may do so by following the instructions in this Decision.

6. The Administrative Law Judge may schedule additional public comment hearings if necessary.

7. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director