

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0061E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO AGGREGATOR VIRTUAL POWER PLANT TARIFF, ALONG WITH
ASSOCIATED PROGRAM BUDGET AND COST RECOVERY METHODOLOGY.

**INTERIM COMMISSION DECISION DEEMING
APPLICATION COMPLETE; SETTING MATTER FOR
HEARING *EN BANC*; ESTABLISHING PARTIES;
SETTING RESPONSE TIME TO MOTION FOR
EXTRAORDINARY PROTECTION; SCHEDULING A
PREHEARING CONFERENCE; DIRECTING PARTIES TO
CONFER REGARDING PROCEDURAL SCHEDULE; AND
ADDRESSING INFORMATION TO BE PRESENTED IN
SUPPLEMENTAL DIRECT TESTIMONY**

Issued Date: March 5, 2025
Adopted Date: February 26, 2025

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I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission deems the Application complete and sets for hearing before the Commission *en banc* the Application of Public Service Company of Colorado ("Public Service" or the "Company") for Approval of an Aggregated Virtual Power Plant ("AVPP") filed by Public Service Company of Colorado ("Public Service" or the "Company") on January 31, 2025 ("Application").

2. The Commission grants the requests for permissive intervention filed by Colorado Energy Consumers Group ("CEC"); Pivot Energy Inc. ("Pivot"); the City and County of Boulder ("Boulder"); Western Resource Advocates ("WRA"); Advanced Energy United ("AEU"); the Colorado Solar and Storage Association ("COSSA") the Solar Energy Industries Association ("SEIA") the Coalition for Community Solar Access ("CCSA") (jointly "COSSA/SEIA/CCSA"); Colorado Renewable Energy Society ("CRES"); Mr. William Althouse; and Solar United Neighbors ("SUN"). The Commission acknowledges the notices of intervention of right filed by Trial Staff of the Commission ("Staff"), the Office of the Utility Consumer Advocate ("UCA"), and the Colorado Energy Office ("CEO").

3. This Decision directs Public Service to file Supplemental Direct Testimony on certain issues as discussed below. The filing deadline for the Supplemental Direct Testimony is March 21, 2025.

4. The Commission also sets March 10, 2025, pursuant to Rule 4 *Code of Colorado Regulations* (“CCR”) 723-1-1400(b) of the Commission’s Rules of Practice and Procedure, as the deadline for responses to the Motion for Extraordinary Protection of Highly Confidential Information filed on January 31, 2025, by Public Service.

5. Also by this Decision, the Commission solicits feedback from the parties regarding the potential consolidation of this Proceeding and the Company’s Distribution System Plan Application (Proceeding No. 24A-0547E). The Commission directs the parties to both the DSP and VPP to confer on a procedural schedule, consistent with the discussion below. On or before March 14, 2025, Public Service shall file a proposed consolidated procedural schedule in both proceedings. The proposed procedural schedule should also address discovery processes.

6. This Decision schedules a prehearing conference for March 20, 2025, consistent with the discussion below.

B. Background

7. Public Service filed its Application pursuant to § 40-2-132.5, C.R.S., which requires Public Service to file by February 1, 2025, an Application to implement a virtual power plant (“VPP”) program, including a tariff for performance-based compensation for a qualified VPP. The Company is required, among other things, to consider the role that VPPs can play in modeling and meeting system needs in the resource planning process and eligibility requirements for distributed energy resource (“DER”) aggregators and technologies. The Company must also establish requirements for DER aggregators including communication, dispatch, measurement and verification, and settlement of performance-based compensation. Public Service may set a cap for individual resource capacity and minimum aggregation capacity for participation in the

VPP program. Concurrent with its Application, the Company filed a Motion for Extraordinary Protection (“Motion”).

8. The Commission issued a Notice of Application filed on February 6, 2025, through Decision No. C25-0085-I. The Notice set an intervention period that ran through February 21, 2025.

9. In Decision No. C25-0085-I, the Commission noted the Company’s AVPP Application may have overlapping factors and interrelated impacts with its DSP proceeding and requested comment from potential parties to this Proceeding regarding the potential advantages and disadvantages to combining the VPP and DSP proceedings, or other logistical suggestions they may have.

10. On February 21, 2025, the Commission received timely motions for intervention and responses to Decision No. C25-0085-I from: AEU, SUN, COSSA/SEIA/CCSA, CRES, CEC, Boulder, Mr. William Althouse, and WRA. Also on February 21, 2025, the Commission received a response from Public Service pursuant to Decision No. C25-0085-I.

11. On February 19, 2025, the Commission received a timely notice of intervention of right and response to Decision No. C25-0085-I from Staff.

12. On February 18, 2025, the Commission received a timely notice of intervention of right and response to Decision No. C25-0085-I from UCA and a timely motion for intervention and response to Decision No. C25-0085-I from Pivot.

13. On February 14, 2025, the Commission received a timely notice of intervention of right and response to Decision No. C25-0085-I from CEO.

C. Discussion, Findings, and Conclusions

1. Completeness

14. The Commission deems the Application complete for purposes of § 40-6-109.5, C.R.S. and Commission Rule 1303, 4 CCR 723-1. For purposes of calculating the 250-day timeframe pursuant to § 40-6-109.5, C.R.S the Commission deems this Application complete on February 26, 2025 – the date on which the Commission addressed completeness at the Commissioners’ Weekly Meeting.

2. *En Banc* Hearing

15. The Commission finds good cause to set the Application for hearing before the Commission *en banc*. The Application raises significant policy questions, as well as questions of statutory interpretation, that warrant an evidentiary hearing before the Commissioners.

3. Establishment of Parties

16. Staff, UCA, and CEO filed timely notices of intervention by right. Pursuant to Rule 4 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. We acknowledge the notices of intervention of right, and that Staff, CEO, and UCA are parties to this Proceeding.

17. The Commission received timely motions for permissive intervention in this Proceeding from CEC, Pivot, Boulder, WRA, COSSA/SEIA/CCSA, CRES, SUN, Mr. William Althouse, and AEU.

18. CEC is an unincorporated association comprised of energy consumers, all of which operate facilities in Public Service’s service territory. CEC asserts a direct interest in this Proceeding because if approved, it would have a direct and substantial impact on CEC members’ electric rates. CEC states its members are interested in pursuing opportunities to provide system

benefits as may be available in the AVPP, and in helping to stabilize rates by avoiding the need for additional generation resources. However, CEC is concerned by “the prospect of more dollars being recovered through the GMAC, particularly without the scrutiny afforded and statutory obligation to do so through the DSP.”

19. WRA is a nonprofit organization with an interest in advocating for “increased use of emissions-free renewable energy generation resources for a cleaner electric grid, and deployment and more efficient use of DERs that reduce energy use and shift energy use from fossil fuel generation to clean energy sources.” WRA states it has an interest in decreasing emissions from electricity generation and advocating for programs and services that provide opportunities for load shifting and peak load reduction, which reduce the need to invest in dispatchable fossil fueled generation, in a manner that is beneficial to both ratepayers and the environment whenever possible.

20. Pivot is a renewable energy provider and independent power producer that develops, finances, builds, owns, and operates distribution-interconnected solar and energy storage projects. Pivot is headquartered in Denver, Colorado and is one of the largest developers of distributed generation projects in Colorado. Through existing Public Service distributed generation programs alone, Pivot has developed over 70 megawatts of operational projects, is currently constructing or nearing mobilization on 86 MW, and has more than 300 MW in development. Pivot states it has a pecuniary interest in the Proceeding because the outcome from this Proceeding is likely to affect Pivot’s future development of distributed energy projects as well as Pivot’s ongoing management and operation of existing distributed assets in PSCo’s service territory.

21. Boulder is a municipality that “is a large customer of Public Service” its citizens are also Public Service electric customers, and it notes it has entered into an “Energy Partnership

Agreement” with Public Service that “provides a framework for collaborative distribution-level planning for local projects and initiatives that support a shared vision towards energy-related emission reductions by increasing accessibility to local renewable energy.”

22. COSSA/SEIA/CCSA are each trade organizations that represent members of the solar and storage industry and jointly assert that this Proceeding will have direct impacts on the business interests of each trade associations’ member companies. COSSA/SEIA/CCSA members include companies that install both behind-the-meter and front-of-the-meter DERs that may participate in the AVPP program if it is approved by the Commission. COSSA/SEIA/CCSA asserts that these members have a direct business interest in the AVPP program.

23. AEU is comprised of over 100 companies both large and small across the technology spectrum, including energy efficiency, demand response, solar photovoltaics, solar thermal electric, enhanced geothermal, wind, storage, electric vehicles and charging equipment, advanced metering infrastructure, transmission and distribution equipment, fuel cells, hydropower, and energy software. AEU’s membership also includes large purchasers of advanced energy technologies and services who are looking to achieve their business sustainability goals.

24. CRES is a nonprofit corporation that creates environmental, social, and economic benefits for Colorado by promoting energy efficiency and renewable energy of all types, CRES works on behalf of consumers, small businesses, and communities throughout the state to promote the expeditious transition from fossil fuels to renewable energy. CRES is composed of chapters in various regions of the state including Public Service’s service territory. CRES states this Proceeding will affect CRES’s tangible interests in pursuing its missions to educate members and actively participate in policy matters related to reducing greenhouse gas emissions including emissions related to utility electricity generation. CRES has a unique focus on promoting all types

of energy efficiency, renewable energy and energy storage technologies and policies, including the ones at issue in this Proceeding.

25. SUN is a nonprofit organization formed in 2007 that works to promote an equitable energy system through the widescale adoption of rooftop solar and solar paired with battery storage. SUN works closely with urban, rural, commercial, and residential customers across the United States to ensure an equitable energy future for all citizens. SUN advocates for policies that advance the use of rooftop solar and battery storage and provides supporters information, connections and other support to facilitate the adoption and use of these resources. SUN asserts it has an interest in this Proceeding because the AVPP program will have a direct impact on SUN's residential and commercial supporters who own, operate, and/or install solar and battery storage throughout Public Service's utility service territory in Colorado. SUN states that, if properly executed, the AVPP program could enhance the value of these DER systems and improve the incentives to adopt solar and storage in Colorado, by allowing customers to receive compensation for the use of the DERs to provide grid support services through the AVPP program, reduce reliance on fossil fuel generation and otherwise support the achievement of Colorado's clean energy goals.

26. William Althouse is an individual seeking *pro se* intervenor status. In his motion for permissive intervention, Mr. Althouse cites Commission Rules 1201(b)(1) and 1401(c), 4 CCR 723-1, and states he will represent his own interests as a Prosumer on the Company's grid and as a potential member/owner of the Colorado Renewable Energy Cooperative ("CREC"). Mr. Althouse explains CREC is a renewable energy cooperative in the exploratory/feasibility phase. According to Mr. Althouse, CREC would aggregate Prosumer DERs into a CREC owned and operated VPP whose mission would be to lower the costs of DER/VPP deployment and

increase the revenue for its members. Mr. Althouse further states he has been involved in DER design, installation, and operation for almost 50 years and previously participated in the Commission's m-docket in which it considered a VPP pilot (Proceeding No. 23M-0466EG).

27. Mr. Althouse asserts he has a tangible and pecuniary interest in the outcome of the Proceeding. He asserts the Company's Application will affect his decision to become a Prosumer on any aggregated VPP and could impact him as a potential CREC member/owner. He further asserts UCA does not adequately represent his interests because, as a new participant class in the Colorado utility industry, Prosumers are inconsistent with other classes of consumers represented by UCA. Mr. Althouse also states that as a Prosumer and a CREC potential member/owner of an aggregated VPP, he has a unique position in the proceeding that is not represented by any other party.

28. Rule 1401(c) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, requires persons seeking permissive intervention to show the following, in pertinent part:

A motion to permissively intervene shall state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. The motion must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant's interests would not otherwise be adequately represented.

29. Pursuant to Rule 1500, 4 CCR 723-1, the person seeking leave to intervene by permission bears the burden of proof with respect to the relief sought.

30. Further, Rule 1401(c), 4 CCR 723-1, requires that a movant who is a "residential consumer, agricultural consumer, or small business consumer" must discuss in the motion whether the distinct interest of the consumer is either not adequately represented by the UCA or inconsistent

with other classes of consumers represented by the UCA. As set forth in §§ 40-6.5-104(1) and (2), C.R.S., the UCA has a statutory mandate to represent the interest of residential ratepayers.

31. We find that each entity seeking permissive intervention has sufficiently demonstrated that this Proceeding may substantially affect its pecuniary or tangible interests, as is required by Rule 1401(c). Each has also demonstrated that its interests would not otherwise be adequately represented. Therefore, we grant the requests for permissive intervention.

32. Regarding Mr. Althouse's intervention, we find that the nascent, evolving, and technical nature of the VPP industry weighs heavily in favor of the Commission bringing in new expertise into the Proceeding to assist it in developing a fulsome and accurate record. Mr. Althouse's motion demonstrates expertise in the VPP industry as well as a unique perspective that does not appear to be shared by any other intervenor. We therefore exercise our discretion, in this circumstance, and grant Mr. Althouse's Motion to Intervene. Mr. Althouse may represent his interest as a Prosumer and a potential VPP participant. However, Mr. Althouse's advocacy shall not expand or overlap with UCA's interests in representing the consumer class generally. We also note that the Commission expects Mr. Althouse to engage with the Proceeding in the same manner and with the same professionalism as a represented party. To that end, Mr. Althouse will also be held to the same standards regarding testimony and cross examination during the evidentiary hearing as the represented parties.

33. The parties to this Proceeding are: Public Service, Staff, UCA, CEO, CEC, Pivot, Boulder, WRA, COSSA/SEIA/CCSA, CRES, SUN, Mr. William Althouse, and AEU.

4. Setting Response Deadline to Public Service's Motion for Extraordinary Protection

34. Concurrent with its Application, Public Service filed a Motion which contained a request for extraordinary protection of highly confidential information pursuant to Commission Rules 1101(b) and 1400 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1. Public Service seeks an order granting highly confidential treatment of proprietary, non-public, commercially, and otherwise highly sensitive vendor pricing and cost estimates associated with the Company's AVPP program (this includes but is not limited to workpapers supporting Attachment DEE-2 to the Direct Testimony of Company witness Deborah E. Erwin, which presents the proposed budget for the first five years of the AVPP program). Public Service requests the Commission issue an order limiting access to: (1) Commissioners; (2) Commission Advisors and Commission Advisory Counsel; (3) Administrative Law Judges; (4) Trial Staff and its counsel; (5) the UCA and its counsel; and (6) CEO and its counsel. The Company claims that the documents contain information that was prepared by third-party vendors or that relate to contracts with third-party vendors generally subject to confidentiality provisions. The Company asserts the information is highly confidential because disclosure of the information could harm the Company's competitive position as it relates to negotiating and implementing vendor solutions for the AVPP program, potentially raising the costs of the AVPP program and, in turn, the services provided to the Company's customers.

35. We set the response deadline to Public Service's Motion to March 10, 2025.

5. Consensus Procedural Schedule and Consolidation Considerations

a. VPP and DSP Considerations

36. In Decision No. C25-0085-I, the Commission solicited feedback from Public Service and potential intervenors in this Proceeding regarding their perspective on the potential consolidation of this Proceeding and the Company's DSP Application.

37. The Commission received a range of responses. Public Service stated it does not oppose consolidation provided that doing so does not delay or otherwise extend the time for resolution of the plan application. Staff took no position on consolidation, and several AVPP parties, including CEO, WRA, Boulder, and CEC which are also DSP parties, support consolidation. CEO stated that consolidating the proceedings will make it easier for parties and the Commission to compare the costs and benefits of aggregated VPPs to distribution system investments and that, because both proceedings depend on similar inputs and information, combining the proceedings will increase efficiency and reduce duplication in discovery questions, testimony, and hearing topics. WRA noted that if the Commission consolidates the proceedings, it should take procedural steps to ensure that parties with a discrete interest in the AVPP Application are not prejudiced by the breadth of all issues present in the DSP application.

38. UCA, COSSA/SEIA, and AEU, each also parties to the DSP Proceeding, oppose consolidation of the VPP and DSP applications. UCA stated it has concerns that the VPP, which is a smaller proceeding that contains discrete issues related to developing the aggregation of distributed resources which are not present in the DSP, will be overshadowed in the larger DSP Application. COSSA/SEIA (part of the COSSA/SEIA/CCSA intervenor in this Proceeding) stated it does not believe combining the proceedings will be efficient because the AVPP is a case of first impression that requires the resolution of highly technical questions about program

structure, eligibility, payments and terms and conditions. COSSA/SEIA explained that, similarly to UCA, it is concerned that important programmatic details will get lost in the administrative record of the larger DSP. AEU (an individual intervenor in this Proceeding) emphasized the need for VPP implementation to move quickly and argues that the technical nature of the AVPP, combined with the numerous issues and decision points in the DSP, may slow down settlement or resolution of the AVPP. If the Commission does consolidate the AVPP and the DSP, AEU argues that the Commission should put in place procedural safeguards to ensure that consideration of the AVPP is not unduly complicated or delayed. To that end, AEU suggests the Commission consider the AVPP on a separate “track” from the rest of the DSP issues to allow for separate settlement discussions. It also requests the Commission provide sufficient hearing days and number of pages in Statements of Position for parties to fully address issues arising from the VPP Proceeding, in addition to the DSP.

39. After reviewing the contents of each Application and the AVPP intervenors’ positions, we believe there is likely good cause to combine Public Service’s DSP Application and its AVPP Application. Consolidation is within the Commission’s discretion pursuant to Commission Rule 1402, 4 CCR 723-1.

40. The common issues in the two dockets are substantially similar and consolidation will not prejudice parties in the two proceedings. We note that the key attribute of VPP activities is to potentially delay or mitigate infrastructure investment, and that if the Company’s DSP is approved separately, there could be modest need for, or value in, significant VPP programs. Further, we believe consolidation would result in significant litigation and administrative efficiencies and will conserve the resources of the Commission and parties to the proceedings. Consolidation will also eliminate both confusion about the proceeding in which a particular issue

will be addressed and the possibility of inconsistent decisions. However, we also acknowledge that parties to the DSP have not yet had a chance to weigh in, and that AVPP parties raised legitimate concerns on the merits of consolidation. To that end, we provide an additional opportunity to provide comments on consolidation no later than March 14, 2025, in either proceeding. We have made the same request in both the DSP and VPP proceedings.

41. While we do not formally consolidate the proceedings in this decision, we direct Public Service to confer with the intervening parties to each proceeding to develop and propose a consensus procedural schedule including discovery procedures, so that the Commission can consider if consolidation is appropriate at a future date. Public Service shall file a motion to approve a proposed procedural schedule no later than March 14, 2025, in each proceeding. We provide the following guidance for the parties in the development of a consensus procedural schedule:

- Include an evidentiary hearing that concludes no later than September 5, 2025.
- Include a deadline for filing any settlement agreement to ensure the Commission receives the terms of the settlement agreement and any supporting testimony no less than two weeks prior to the start of the evidentiary hearing.
- Allow for the ability of the Commission to hold a consolidated hearing, if ordered.
- Provide any other procedural suggestions to ensure an efficient consolidated process.

42. Any additional comments on the merits of consolidation shall also be provided to the Commission no later than March 14, 2025.

43. It is also appropriate to hold a remote prehearing conference in this Proceeding. Accordingly, a remote prehearing conference shall be scheduled for March 20, 2025, at 9:00 am. The remote prehearing conference will be conducted over the Zoom videoconferencing platform.

b. DDG Considerations

44. Pivot (a party to both the VPP and DSP), COSSA/SEIA/CCSA, and AEU suggest, either in addition to or instead of, DSP/VPP consolidation, the Commission consider the consolidation of VPP and the Company's requirement to procure Dispatchable Distributed Generation ("DDG") resources per Senate Bill ("SB") 24-207. Like Pivot, COSSA/SEIA/CCSA suggests the Commission consolidate the Company's DDG resources from the JTS and the distribution system pro rata interconnection cost-sharing tariff with the DSP. To that end, these parties filed a Motion to Consolidate along with their Protest in Proceeding No. 25AL-0059E on February 20, 2025.¹ AEU also supports consolidating the DDG resources from the JTS and the pro rata interconnection cost-sharing tariff into the DSP. Pivot explains that it is their understanding that Public Service intends to implement the DDG program through its forthcoming 2026-27 Renewable Energy Plan ("RE Plan") Application expected at the end of March. They suggest the DSP is a more appropriate forum to review the DDG requirement because these programs do not fit neatly into the customer-focused RE Plan and because cost recovery will be via the GMAC rider to be evaluated here in the DSP proceeding.

45. Public Service is required by SB 24-207 to procure 50 MW of dispatchable distributed generation on or before June 1, 2026, and another 50 MW of DDG on or after January 1, 2027, but before June 1, 2027. The Company has not yet asked for approval to acquire any DDG resources in any currently open proceeding before the Commission. As noted above, several intervenors in the VPP indicate that aligning the DDG acquisition requirements from SB 24-207 with the ongoing DSP or VPP proceeding would add value and administrative efficiency. To that end, we seek comments from the DSP and VPP parties on whether there are

¹ This motion was addressed in Proceeding No. 25AL-0059E at the February 26, 2025 CWM.

advantages or disadvantages to alignment of the DDG procurement with the VPP (or the DSP/VPP if eventually consolidated), or other open proceedings before the Commission, including the JTS. What are the advantages or disadvantages of soliciting and evaluating DDG/ VPP resources solely through the DSP or VPP, and how would this interrelate, if at all, with the JTS for DDG/VPP resource quantity? Or, alternatively, could the DSP and JTS rely on a single solicitation to procure DDG/VPP resources whereby that solicitation reasonably meets the requirements of SB 24-207?

46. Second, the Commission is required to perform certain statutory directives pursuant to § 40-2-103.5, C.R.S., including (1) determining the procedures for a utility to acquire DDG; (2) establishing a methodology to ascribes value to dispatchable distributed generation located in specific areas of the electric grid in order to direct the development of dispatchable distributed generation resources in optimal locations; and (3) adopt any other program- or project-specific requirements the commission deems necessary to facilitate the acquisition of dispatchable distributed generation. Do the parties see value in expanding the DSP or VPP to include analysis of any or all of these Commission duties?

47. Any additional comments on the merits of consolidation of DDG related issues shall also be provided to the Commission no later than March 14, 2025.

6. Supplemental Direct Testimony

48. The Commission appreciates the Company's efforts to comply with Decision No. C25-0057 and its filing of additional information on February 14, 2025, but given the scale of this Application in terms of anticipated costs and importance to system reliability and potential greenhouse gas emission reductions, we conclude that it is necessary for Public Service to augment the record in this Proceeding with additional information in numerous areas. We therefore direct Public Service to file Supplemental Direct Testimony addressing the following requests:

- a) Please refer to Hearing Exhibit 102 at Table ZDP-2 which indicates the number of feeders and banks eligible for a distribution capacity value payment:
 - i. Confirm that eligible feeders and banks in this table only refers to existing infrastructure and do not include any additional feeders and banks planned through the DSP Application.
 - ii. Update the data in this table to reflect what would happen if the Commission decides to consolidate the DSP and VPP proceedings. Does it potentially include all incremental infrastructure referenced in Figure ES-6 of Hearing Exhibit 101 in the Company's DSP Application?
- b) How would the Company treat an AVPP bid that aggregates customer-participants located on feeders and banks that are *eligible* for the distribution capacity credit and customer-participants located on feeders and banks that are *ineligible* for the distribution capacity credit?
- c) Does the Company intend to reserve any portion of the VPP program (budget or capacity) exclusively for third party aggregators, or will the Company be able to compete for the entire budget or capacity? If any portion is reserved for third-party aggregators, how will that portion be determined and how will evaluation of Company vs. third party bids take place?
- d) Please explain the interaction between the distribution capacity credit proposed in the Company's VPP Application and the array of investment proposed in the Company's DSP Application. As the Company expands the capacity of its distribution system through the addition of new or improved feeders, banks and substations, will the VPP capacity credit decline or just be available to fewer distribution components?
- e) Please explain how the Company developed the VPP capacity credit payments for generation, transmission and distribution? Do the payments represent a discounted value of costs offset by the VPP programs (and thus provide a direct savings to customers), or simply the expected cost of generation, transmission and distribution infrastructure, respectively?
- f) Please refer to Xcel's distribution capacity procurement ("DCP") program in Minnesota PUC docket E-002/RP 24-67.
 - i. Please explain how the DCP concept in Minnesota is distinct, if at all, from the VPP program proposed in this proceeding or the Aggregated DER concept presented in the JTS proceeding (No. 24A-0442E).
 - ii. Assuming the DCP is a distinct concept, and the Commission requires implementation of such here in Colorado, how would the Company value the VPP and DCP programs simultaneously?

49. The Company shall provide the supplemental direct testimony consistent with the above discussion no later than March 21, 2025.

II. ORDER

A. It Is Ordered That:

1. The Application of Public Service Company of Colorado (“Public Service” or the “Company”) for Approval of an Aggregated Virtual Power Plant (“AVPP”) filed by Public Service Company of Colorado (“Public Service” or the “Company”) on January 31, 2025 (“Application”) is set for hearing *en banc*.

2. The Application is deemed complete, for purposes of § 40-6-109.5, C.R.S., and consistent with the discussion above.

3. The Motion to Intervene filed by Advanced Energy United (“AEU”) on February 21, 2025, is granted.

4. The Motion to Intervene filed by Sun United Neighbors (“SUN”) on February 21, 2025, is granted.

5. The joint Motion to Intervene filed by the Colorado Solar and Storage Association (“COSSA”), the Solar Energy Industries Association (“SEIA”), the Coalition for Community Solar Access (“CCSA”) on February 21, 2025, is granted.

6. The Motion to Intervene filed by Colorado Renewable Energy Society (“CRES”) on February 21, 2025, is granted.

7. The Motion to Intervene filed by Colorado Energy Consumers (“CEC”) on February 21, 2025, is granted.

8. The Motion to Intervene filed by the City of Boulder (“Boulder”) on February 21, 2025, is granted.

9. The Motion to Intervene filed by Mr. William Althouse on February 21, 2025, is granted.

10. The Motion to Intervene filed by Western Resource Advocates (“WRA”) on February 21, 2025, is granted.

11. The Motion to Intervene filed by Pivot Energy Inc. (“Pivot”) on February 18, 2025, is granted.

12. The notices of intervention filed by the Office of the Utility Consumer Advocate (“UCA”) on February 18, 2025, by Trial Staff of the Commission (“Staff”) on February 19, 2025, and by the Colorado Energy Office (“CEO”) on February 14, 2025, are acknowledged.

13. The parties to this Proceeding are: Public Service, Staff, UCA, CEO, CEC, Pivot, Boulder, WRA, COSSA/SEIA/CCSA, CRES, SUN, Mr. Althouse, and AEU.

14. The deadline to respond, consistent with the discussion above, to Public Service’s Motion for Extraordinary Protection of Highly Confidential shall be March 10, 2025.

15. The Company shall confer with the parties to this Proceeding and Proceeding No. 24A-0547E and shall submit a proposed procedural schedule consistent with this decision by March 14, 2025. Party comments on consolidation, consistent with the discussion above, shall be filed no later than March 14, 2025, in both proceedings.

16. Public Service shall file Supplemental Direct Testimony in this Proceeding, consistent with the discussion above, no later than March 21, 2025.

17. A remote prehearing conference in this Proceeding is scheduled as follows:

DATE: March 20, 2025

TIME: 9:00 am

PLACE: Join by video conference using Zoom

18. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 26, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners