

Decision No. C25-0252-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0442E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR APPROVAL OF ITS 2024 JUST TRANSITION SOLICITATION.

**INTERIM COMMISSION DECISION GRANTING
UNOPPOSED MOTION FOR LIMITED PARTICIPATION;
AND SETTING SHORTENED RESPONSE TIME FOR
MOTION TO RESCHEDULE PUEBLO PUBLIC
COMMENT HEARING**

Issued Date: April 3, 2025

Adopted Date: April 2, 2025

I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission grants the Unopposed Motion for Limited Participation (“Unopposed Motion”) filed on March 25, 2025, by the Colorado Department of Public Health and Environment (“CDPHE”), with one clarification, consistent with the discussion below.

2. This Decision also sets a shortened response time for parties to respond to the Motion to Reschedule the Pueblo Public Comment Hearing and Request for Shortened Response Time (“Motion to Reschedule”) filed on March 31, 2025, by GreenLatinos, GRID Alternatives, NAACP State Conference CO-MT-WY, Pueblo Branch, Roots to Resilience, and Vote Solar, as well as joint intervenors Colorado Renewable Energy Society and Physicians for Social

Responsibility Colorado (collectively “Joint Movants”). Any responses to the Motion to Reschedule shall be filed by **5:00 pm on April 7, 2025.**

B. Background

3. On October 15, 2024, Public Service Company of Colorado (“Public Service” or the “Company”) filed a Verified Application for Approval of its 2024 Just Transition Solicitation (“JTS”) Application.

4. By Decision No. C25-0064-I, issued January 29, 2025, the Commission adopted a procedural schedule and scheduled an *en banc* evidentiary hearing.

5. Through Decision No. C24-0941-I, issued December 23, 2024, the Commission directed Public Service to confer with Staff of the Public Utilities Commission (“Staff”) regarding the role of CDPHE as a neutral verifier in this Proceeding. The Company and Staff were directed to determine whether a neutral verification review per § 40-2-125.5(7), C.R.S., was possible and to establish timelines for the overall and remaining schedule.

6. On January 17, 2025, the Company filed a Notice of Conferral which stated it had conferred with Staff and that they agree CDPHE should conduct a verification. Specifically, the Company stated that CDPHE would verify the Base Portfolio for Phase I and would verify all presented portfolios in Phase II using the same schedule for verification as was used in the Company’s 2021 Electric Resource Plan/Clean Energy Plan (“ERP/CEP”) proceeding.¹

7. Through Decision No. C25-0064-I, issued January 29, 2024, the Commission acknowledged this conferral and agreed that having CDPHE verify the Base Portfolio for Phase I and verify all presented portfolios in Phase II using the same schedule for verification as was previously used in the 2021 ERP/CEP was a reasonable approach.

¹ Proceeding No. 21A-0141E.

8. Through Decision No. C25-0219-I, issued March 25, 2025, the Commission scheduled three public comment hearings in this Proceeding: (1) an in-person public comment hearing in Pueblo, Colorado on April 17, 2025; (2) a remote public comment hearing (via the Zoom platform) on April 28, 2025; and (3) an in-person public comment hearing in Hayden, Colorado on May 1, 2025.

C. CDPHE Motion for Limited Participation

9. In its Unopposed Motion, CDPHE notes that because this Proceeding does not involve verification of a clean energy plan, it is not statutorily obligated to provide additional emissions verifications and that its verification of the Company's workbooks in the 2021 ERP/CEP proceeding fulfilled the requirements of the statute.

10. Therefore, and consistent with prior Commission decisions in this Proceeding, CDPHE states it will provide a neutral verification review of the Base Portfolio – using both social cost of carbon and CO2 pricing – for Phase I, and the preferred portfolio submitted in Phase II using the same schedule for verification as was used in the 2021 ERP/CEP proceeding.

11. CDPHE also states it will remain available to provide additional Verification Reports should the Commission request them and will remain available to respond to any written technical inquiries regarding the Verification Reports from the Commission.

12. CDPHE requests the Commission enter an order limiting its participation as a neutral verifier in this Proceeding as follows:

- CDPHE will submit an initial Phase I JTS ERP Verification Report to the Commission. CDPHE requests that the date for the submission be aligned with the submission date for Answer Testimony, which is currently April 18, 2025;
- CDPHE will submit a Phase II JTS ERP Verification Report for the preferred portfolio to the Commission. The deadline for this submission will be determined based on the progress and future schedule of this Proceeding;

- CDPHE will submit additional ERP Verification Reports at the request of the Commission. CDPHE requests that it be afforded no less than 14 days to provide subsequent ERP Verification Reports requested by the Commission; and
- CDPHE will respond to written technical inquiries of the Commission related to any ERP Verification Reports submitted in this proceeding.

13. Additionally, CDPHE requests the Commission grant it leave to submit any requests for additional information or clarification needed and that the Commission require response to those inquiries be filed within 14 days of the submission of the request.

14. We appreciate CDPHE's willingness to engage in this Proceeding as a neutral verifier and grant CDPHE's Unopposed Motion, with one clarification regarding the Phase II JTS ERP Verification Report for the preferred portfolio. The Phase II Verification Report should be filed 30 days after the Company's submission of its 120-day report, which is the same deadline that applied to the Phase II Verification Report in the 2021 ERP/CEP proceeding.²

D. Motion to Reschedule the Pueblo Public Comment Hearing

15. In the Motion to Reschedule, Joint Movants state that while they appreciate and strongly support the Commission's decision to schedule an in-person public comment hearing in Pueblo, they request the Commission reschedule the April 17, 2025 Pueblo public comment hearing for a date between May 27, 2025 and June 6, 2025.

16. Joint Movants contend rescheduling the public comment hearing as requested would allow community members in Pueblo to provide comments and feedback to the Commission regarding the final and full range of issues and party proposals that the Commission will decide in Phase I of this proceeding. Joint Movants state they are concerned that the April 17 public comment hearing will occur before intervenors file answer testimony and before Public Service

² These verification reports shall be filed by CDPHE, and consistent with Proceeding No. 21A-0141E, the Commission expects that Public Service will enter them into the evidentiary record as appropriate.

files rebuttal testimony, which will not allow in-person commentators to respond to the various proposals and recommendations made by the intervenors.

17. Additionally, Joint Movants assert that rescheduling the public comment hearing to a later date would provide more time for community members to prepare for the hearing and would likely result in a more successful public comment process. Joint Movants state they are concerned that the April 17 public comment hearing will occur only 23 days after the Commission issued its written decision and press release announcing the public comment hearings. Joint Movants argue this provides insufficient time for community members to manage and potentially reschedule their personal and professional obligations so they can attend the public comment hearing, to review the filings and understand the issues, and to prepare their public comments.

18. Joint Movants therefore request the Commission reschedule the in-person public comment hearing in Pueblo to a date that falls between May 27 and June 6, 2025. In the alternative, should the Commission decide to maintain the April 17 public comment hearing, Joint Movants request that the Commission schedule a second in-person public comment hearing in Pueblo between May 27 and June 6, 2025.

19. Joint Movants state they have conferred to parties in the Proceeding and that Pueblo County, the City of Pueblo, and the Pueblo Economic Development Corporations (collectively the “Pueblo Intervenors”) oppose the Motion. Pueblo Intervenors state they opposition the Motion, in part, because there is no basis to begin modifying the schedule and such modifications are not in the public interest. The Town of Hayden and Routt County also oppose the Motion and state that affected communities should have input on when their public comment hearings are held.

20. Joint Movants request a shortened response time of no more than one week, asserting such a timeframe is reasonable and is in the public interest due to the limited nature of

its Motion and the brief period of time for the Commission to issue a decision before the April 17, 2025 Pueblo public comment hearing.

21. We find good cause to grant Joint Movants request and set a shortened response time to the Motion to Reschedule to allow for expeditious consideration of the Joint Movants' request. Responses shall be due by **5:00 p.m. on April 7, 2025.**

II. ORDER

A. The Commission Orders That:

1. The Unopposed Motion for Limited Participation filed on March 25, 2025, by the Colorado Department of Public Health and Environment is granted with clarification, consistent with the discussion above.

2. Responses to the Motion to Reschedule the Pueblo Public Comment Hearing and Request for Shortened Response Time filed on March 31, 2025, by GreenLatinos, GRID Alternatives, NAACP State Conference CO-MT-WY, Pueblo Branch, Roots to Resilience, Vote Solar, Colorado Renewable Energy Society and Physicians for Social Responsibility Colorado shall be filed no later than **5:00 p.m. on April 7, 2025.**

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

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 2, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners