

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 24A-0369G

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF THE SELECTION OF PILOT PROJECTS TO PROVIDE THERMAL ENERGY SERVICE AND APPROVAL TO RECOVER THROUGH THE DEMAND SIDE MANAGEMENT COST ADJUSTMENT THE COMPANY'S COMMUNITY OUTREACH AND PROJECT DESIGN EFFORTS TO DEVELOP SELECTED PILOTS.

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**INTERIM DECISION  
GRANTING MOTION TO AMEND PROCEDURAL  
SCHEDULE AND AMENDING PROCEDURAL SCHEDULE**

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Issued Date: February 26, 2025

**I. STATEMENT**

**A. Procedural Background**

1. On August 29, 2024, Public Service Company of Colorado (“Public Service” or the “Company”) filed its Verified Application (“Application”) of Public Service Company of Colorado for Approval of Its Thermal Energy Network Pilot Development. In its Application, Public Service requests that the Colorado Public Utilities Commission (“Commission”) issue a decision approving the Company’s proposed Thermal Energy Network Pilot Initiative.

2. In its Notice of Application Filed (“Notice”), filed August 30, 2024, the Commission gave notice of the Application and set an intervention period.

3. On September 12, 2024, the Petition for Leave to Intervene of the City and County of Denver was filed by the City and County of Denver, Colorado (“Denver”).

4. On September 12, 2024, the Office of Utility Consumer Advocate (“UCA”) timely noticed its intervention as a matter of right.

5. On September 30, 2024, the Colorado Energy Office (“CEO”) timely noticed its intervention as a matter of right.

6. On October 2, 2024, the Trial Staff of the Colorado Public Utilities Commission (“Staff”) timely noticed its intervention as a matter of right.

7. On October 9, 2024, the Commission referred this matter by minute entry to an Administrative Law Judge (“ALJ”).

8. By Decision No. R24-0792-I, issued October 31, 2024, the ALJ, among other things: acknowledged the interventions of Staff, UCA, and CEO; granted Denver’s Intervention; extended the deadline for a Commission Decision by 130 days; adopted a procedural schedule to govern this Proceeding (“Initial Procedural Schedule”); and scheduled an evidentiary hearing in this matter for March 13-14, 2025. According to the Initial Procedural Schedule, the deadline for the filing of rebuttal and cross-answer testimony was set for February 20, 2025, the deadline for the filing of Corrections to Pre-filed Testimony & Exhibits was set for February 27, 2025, and the deadline for the filing of settlement testimony was set for March 5, 2025.

9. On February 19, 2025, the Company filed its Notice of Comprehensive Settlement in Principle, Unopposed Joint Motion to Amend Procedural Schedule, and Request for Waiver of Response Time (“Motion”) .

#### **B. Motion**

10. In the Motion, the Company, Staff, UCA, and Denver (Collectively, “the Settling Parties”) notified the ALJ that the Settling Parties have reached a settlement in principle with respect to all contested issues and were working to memorialize the settlement in principle into a

formal written settlement agreement and that CEO indicated that it would not join the settlement.<sup>1</sup> The Settling Parties further state that:

[i]n light of the settlement in principle, Public Service, on behalf of and with the support of the Settling Parties, requests the Commission amend the procedural schedule approved in Decision No. R24-0792-I. Specifically, it requests changes to the schedule as follows: vacate the Feb. 20, 2025 Rebuttal & Cross-Answer Testimony deadline. Rather than file Rebuttal & Cross-Answer Testimony, the settlement agreement and supporting motion for its approval will be filed by the existing deadline of Feb. 27, followed by the submittal of settlement testimony by the existing deadline of Mar. 5. CEO may file testimony in opposition to the settlement by Mar. 5.

Additionally, CEO requests to maintain an evidentiary hearing. However, all parties are agreeable to revise the schedule to make it a one-day hearing on Mar. 14, 2025. During the hearing, CEO may conduct cross examination on the settlement agreement, and witnesses will be available for questions of the Administrative Law Judge (“ALJ”), unless excused before the hearing by the ALJ.

In accordance with Rule 1400(a), Public Service conferred with all parties on this Notice and Motion. Public Service is authorized to state that all parties either support or do not oppose this filing, although the CEO retains its rights to oppose the entirety or portions the settlement agreement.

Because this Motion to revise the procedural schedule is unopposed, Public Service respectfully requests that the Commission waive response time to it pursuant to Rule 1308(c).<sup>2</sup>

11. The ALJ finds and concludes that the Settling Parties stated good cause for their requested relief. Therefore, the Motion will be granted, as ordered below.

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<sup>1</sup> Motion at p. 1-2.

<sup>2</sup> Id. at p. 2.

12. Based on the foregoing, the February 20, 2025 deadline for the filing of rebuttal and cross-answer testimony will be vacated and the following deadlines will be amended, as ordered below:

Procedural Activity	Deadline
Settlement Agreement and Supporting Motion	February 27, 2025
Settlement Testimony & CEO's Testimony in Opposition to the Settlement Agreement	March 5, 2025

13. Because the Motion is unopposed, and consistent with Rule 1308(c) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, the request to waive response time to the Motion will be granted as ordered below.

14. Lastly, consistent with the parties' request set forth in the Motion, the hearing scheduled by Decision No. R24-0792-I will be shortened to a one-day hearing and the hearing date of March 13, 2025 will be vacated, as ordered below.

## II. ORDER

### A. It is Ordered That:

1. Consistent with the discussion above, response time to the Notice of Comprehensive Settlement in Principle, Unopposed Joint Motion to Amend Procedural Schedule, and Request for Waiver of Response Time filed by Public Service Company of Colorado on February 19, 2025 ("Motion") is waived.

2. The February 20, 2025 deadline for the filing of rebuttal and cross-answer testimony, established by Decision No. R24-0792 is vacated and the following deadlines are amended as follows:

Procedural Activity	Deadline
Settlement Agreement and Supporting Motion	February 27, 2025
Settlement Testimony & CEO's Testimony in Opposition to the Settlement Agreement	March 5, 2025

3. The hearing scheduled by Decision No. R24-0792-I is shortened to a one-day hearing and the hearing date of March 13, 2025 is vacated. A one-day remote evidentiary hearing shall be conducted at the following dates, time, and place:

**DATE:** March 14, 2025

**TIME:** 9:00 a.m.

**PLACE:** By video conference: using the Zoom web conferencing platform at a link in the calendar of events on the Commission's website, available at <https://puc.colorado.gov>.

4. The parties must comply with the remaining requirements<sup>3</sup> set forth by Decision No. R24-0792-I.

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<sup>3</sup> *I.e.* any requirements not specifically addressed in this Decision.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

AVIV SEGEV

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Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,  
Director