

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0506E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE DENVER METRO TRANSMISSION NETWORK IMPROVEMENT PROJECT, A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE LEETSDALE-ELATI TRANSMISSION PROJECT, AND ASSOCIATED FINDINGS OF NOISE AND MAGNETIC FIELD REASONABLENESS.

**INTERIM DECISION GRANTING APPLICANT'S
UNOPPOSED MOTION FOR EXTRAORDINARY
PROTECTION**

Issued Date: March 19, 2025

I. STATEMENT

A. Relevant Procedural Background

1. On December 20, 2024, Public Service (“Public Service or “the Company”) filed its Application seeking issuance of Certificates of Public Convenience and Necessity for the Denver Metro Transmission Network Improvement Project and the Leetsdale-Elati 230 kV Underground Transmission Upgrade Project.

2. On March 14, 2025, Public Service filed a Motion for Extraordinary Protection of Highly Confidential Information (“Motion”).

B. Motion

3. Public Service requests highly confidential protection for certain documents and information pursuant to Rule 1100(b) of the Commission’s Rules of Practice and Procedure.¹

¹ 4 Code of Colorado Regulations 723-1.

Under Rule 1100(b), information filed with the Commission is presumed to be a public record. Rule 1101 provides the procedure and requirements for the designation of certain documents or information as highly confidential, thus limiting access to such documents and information. Under Rule 1101(b), a motion seeking highly confidential treatment:

- (I) shall include a detailed description and/or representative sample of the information for which highly confidential protection is sought;
- (II) shall state the specific relief requested and the grounds for seeking the relief;
- (III) shall advise all other parties of the request and the subject matter of the information at issue;
- (IV) shall include a showing that the information for which highly confidential protection is sought is highly confidential; that the protection afforded by the Commission's rules for furnishing confidential information provides insufficient protection for the highly confidential information; and that, if adopted, the highly confidential protections proposed by the movant will afford sufficient protection for the highly confidential information;
- (V) shall be accompanied by a specific form of nondisclosure agreement requested;
- (VI) shall be accompanied by an affidavit containing the names of all persons with access to the information and the period of time for which the information must remain subject to highly confidential protection, if known; and
- (VII) shall include an exhibit, filed in accordance with the procedures established in paragraph (a), containing the information for which highly confidential protection is requested. Alternatively, the movant may show why providing the subject information would be overly burdensome, impractical, or too sensitive for disclosure.

4. Here, Public Service seeks highly confidential protection for power flow model results and any related data that is the proprietary data of the Western Electricity Coordinating Council ("WECC"). The Office of the Utility Consumer Advocate has propounded discovery on

Public Service that calls for the results of WECC's power flow model and other data. WECC considers this information to be proprietary and commercially sensitive and thus requires any individual to execute a WECC non-disclosure agreement ("NDA") before being given access to it. The WECC confidentiality agreement executed by Public Service to obtain access to the information prohibits Public Service from disclosing the information to any individual unless that person executes a WECC NDA.² Public Service requests that:

the Commission limit access to the highly confidential WECC data to party representatives who: (1) execute and transmit to WECC according to its protocol a WECC NDA, and provide documentation of such to the Company; and, (2) an NDA in this proceeding in the form of Attachment B or C to this Motion.³

5. Public Service filed proposed forms of nondisclosure agreements for retained subject matter experts and attorneys, and an affidavit stating that a limited number of employees have access to the highly confidential information and that extraordinary protection sought for the information must remain in place "indefinitely."⁴ Public Service did not file unredacted highly-confidential versions of the documents for which it seeks highly confidential protection because it is subject to WECC's NDA and the subject of discovery and thus not part of the record of this proceeding at this point.⁵ However, Public Service has described the information with sufficient detail to allow the ALJ to make a judgment about the requested relief.

6. The ALJ agrees with Public Service's conclusion that the information identified in the Motion is highly confidential. The ALJ also concludes that the protection afforded by the Commission's rules addressing confidential information provide insufficient protection for the highly confidential information identified by Public Service, and that, if adopted, the highly

² Motion at p. 3-4 (¶¶ 7-10).

³ *Id.* at 7.

⁴ Motion, Pascucci Affidavit at 3.

⁵ *Id.* at 6 (¶ 18).

confidential protections proposed by Public Service will afford sufficient protection for the identified highly confidential information. Based on the foregoing, and because no party has opposed the Motion for Extraordinary Protection, the ALJ finds and concludes that Respondents have satisfied their burden under Rule 1101(b). The Motion for Extraordinary Protection will be granted.

II. ORDER

A. It Is Ordered That:

1. The Motion for Extraordinary Protection of Highly Confidential Information filed by Public Service Company of Colorado on March 14, 2025 is granted.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director