

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

PROCEEDING NO. 17R-0489E

IN THE MATTER OF THE PROPOSED RULES IMPLEMENTING HOUSE BILL 16-1091  
REGARDING PLANS FOR TRANSMISSION FACILITIES, 4 CCR 723-3-3627.

**NOTICE OF PROPOSED RULEMAKING**

Mailed Date: July 28, 2017  
Adopted Date: July 20, 2017

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**I. BY THE COMMISSION**

**A. Statement**

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking to amend the Rules Regulating Electric Utilities contained in 4 *Code of Colorado Regulations* 723-3 implementing House Bill (HB) 16-1091. The proposed rule implements amendments to § 40-2-126(2), C.R.S., made by HB 16-1091, which allows the

Commission to determine the date for the biennial filing of plans for the development of transmission facilities in energy resource zones.

2. We welcome comments from interested participants. To the extent a participant disagrees with the proposed rules, comments should include suggested rules revisions, in legislative format.

**B. Background**

3. Prior to the passage of the 2016 legislation, Colorado electric utilities subject to rate regulation were required to file their plans for the development of transmission facilities in energy resource zones by October 31 of each odd-numbered year, commencing in 2007. On March 23, 2016, the Governor signed HB 16-1091, which deleted the date requirement and instead allows the Commission to determine the biennial filing date, commencing in 2016. The information to be included in the plans was not changed.

4. House Bill 16-1091 also deleted the requirement that the Commission issue final orders within 180 days of the filing of an application for a certificate of public convenience and necessity for the construction or expansion of transmission facilities filed pursuant to § 40-2-126(2), C.R.S. This part of the legislation does not require a rule change and is therefore not included in this rulemaking.

5. The statutory changes took effect on August 10, 2016.

**C. Findings and Conclusions**

6. Currently, the information included in the development of transmission facilities in energy resource zone plans is required by statute, but not included explicitly in a Commission rule. Now that the Commission shall determine the date of submission, we suggest that

efficiencies could be gained if the information required in § 40-2-126(2), C.R.S., is filed concurrent with electric utilities' biennial transmission plans.

7. Therefore, by this Decision, we propose a rule amendment as follows: add language to Rule 3627(c) that requires electric utilities subject to the Commission's rate regulation to include the information listed in § 40-2-126(2), C.R.S., with their biennial transmission plans due February 1 of each even year.

**D. Conclusion**

8. The statutory authority for the rules proposed here is found at §§ 24-4-101 *et seq.*; § 40-2-108; §§ 40-3-101, -110; and §§ 40-17-101 to -104, C.R.S.

9. The proposed rules in legislative (strikeout and underline) format (Attachment A) and final format (Attachment B), are available through the Commission's E-Filings system<sup>1</sup> at: [https://www.dora.state.co.us/pls/efi/EFI.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=17R-0489E](https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=17R-0489E).

10. The Commission encourages and invites public comment on all proposed rules. We request that commenters propose any changes in legislative redline format.

11. This matter is referred to an Administrative Law Judge for the issuance of a recommended decision.

12. The Administrative Law Judge will conduct a hearing on the proposed rules and related issues on September 11, 2017. Interested persons may submit written comments on the rules and present these orally at hearing, unless the Administrative Law Judge deems oral presentations unnecessary.

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<sup>1</sup> From the *Electronic Filings* (E-Filings) system page (<https://www.dora.state.co.us/pls/efi/EFI.homepage>), the rules can also be accessed by selecting "Search" and entering this proceeding number (17R-0489E) in the "Proceeding Number" box and then selecting "Search".

13. The Commission encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before the hearing, the Commission requests that comments be filed no later than September 1, 2017. The Commission prefers that comments be filed using its E-Filing System at <http://www.dora.state.co.us/pls/efi/EFI.homepage>.

**II. ORDER**

**A. The Commission Orders That:**

1. This Notice of Proposed Rulemaking (including Attachment A and Attachment B) attached hereto, shall be filed with the Colorado Secretary of State for publication in the August 10, 2017, edition of *The Colorado Register*.

2. This matter is referred to an Administrative Law Judge for the issuance of a recommended decision.

3. A hearing on the proposed rules and related matters shall be held as follows:

DATE September 11, 2017

TIME: 9:00 a.m. until not later than 5:00 p.m.

PLACE: Commission Hearing Room  
1560 Broadway, Suite 250  
Denver, Colorado

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

5. Interested persons may file written comments in this matter. The Commission requests that initial pre-filed comments be submitted no later than September 1, 2017. The Commission will consider all submissions, whether oral or written.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 20, 2017.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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FRANCES A. KONCILJA

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WENDY M. MOSER

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Commissioners