

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

Proceeding No. 20A-0528E

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IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR APPROVAL OF ITS 2020 ELECTRIC RESOURCE PLAN

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**UNOPPOSED JOINT MOTION TO APPROVE UNOPPOSED COMPREHENSIVE SETTLEMENT AGREEMENT**

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Pursuant to Commission Rules 1400 and 1408, Tri-State Generation and Transmission Association, Inc. (“Tri-State”), Poudre Valley Rural Electric Association, Inc., Empire Electric Association, Inc., Highline Electric Association, K.C. Electric Association, Morgan County Rural Electric Association, Mountain View Electric Association, Inc., Southeast Colorado Power Association, Y-W Electric Association, Inc. (together, the “Joint Cooperative Movants”), Big Horn Rural Electric Company, Carbon Power & Light, Inc., High West Energy Inc., Wheatland Rural Electric Association, Wyrulec Company, Inc., Niobrara Electric Association, High Plains Power, Inc., Garland Light & Power Co. (together, the “Wyoming Cooperatives”), Trial Staff (“Staff”) of the Colorado Public Utilities Commission (“Commission”), Western Resource Advocates (“WRA”), the Office of the Utility Consumer Advocate (“UCA”), the Colorado Energy Office (“CEO”), the Colorado Independent Energy Association (“CIEA”), the Colorado Solar and Storage Association and Solar Energy Industries Association (collectively, “COSSA/SEIA”), Natural Resource Defense Council (“NRDC”), Sierra Club, Western Colorado Alliance (“WCA”) (together, “Conservation Coalition”), International Brotherhood of Electrical Workers, Local #111 (“IBEW”), Interwest Energy Alliance (“Interwest”), and Southwest Energy Efficiency Project

("SWEEP") (each a "Settling Party" and collectively the "Settling Parties") hereby move for Commission approval of the Unopposed Comprehensive Settlement Agreement attached to this Motion as **Attachment A** (the "Settlement Agreement").

### **RULE 1400 CONFERRAL**

Counsel for Tri-State conferred with counsel for the non-settling parties and is authorized to state that the two non-settling parties, Vote Solar and Delta Montrose Electric Association take no position on this Motion or on the Settlement Agreement.

### **MOTION**

Pursuant to Rule 1408(a), "[t]he Commission encourages settlement of contested proceedings." The Settlement Agreement is joined by nearly every party to this proceeding, and is a comprehensive resolution of the issues presented with respect to Phase I of Tri-State's Electric Resource Plan. No party opposes the Settlement Agreement. The Settling Parties agree that the compromises reflected in the Settlement Agreement represent a just and reasonable resolution of Phase I of this Proceeding, and that reaching this Settlement Agreement by means of a negotiated settlement is in the public interest and will promote administrative efficiency. Each of the Settling Parties has pledged to support or not oppose all aspects of the Settlement Agreement. The Settling Parties therefore request that the Commission approve the Settlement Agreement without modification. As explained below, Tri-State and certain Settling Parties intend to submit direct testimony in support of the Settlement Agreement further setting forth the reasons the settlement is in the public interest.

## **SUMMARY OF THE SETTLEMENT AGREEMENT**

The Settlement Agreement includes numerous and complex provisions resolving Phase I of Tri-State's 2020 ERP, the details of which were the result of extensive negotiations between the Settling Parties. The Settling Parties are providing a high-level summary of some of the key settlement terms here:<sup>1</sup>

- The Settling Parties agree that the Commission should grant Tri-State's Application for Approval of Its 2020 Phase I Electric Resource Plan, subject to certain modifications detailed in the Settlement Agreement.
- Tri-State agrees to reduce the greenhouse-gas emissions related to its wholesale electricity sales in Colorado as follows: 26% in 2025, 36% in 2026, 46% in 2027, and 80% in 2030. These amounts will be calculated based on Tri-State's 2005 emissions baseline, as verified by the Air Pollution Control Division of the Colorado Department of Public Health and Environment. Tri-State agrees to report its progress on greenhouse-gas emissions reductions to the Commission in its ERP Annual Progress Reports going forward.
- The Settling Parties have agreed that Tri-State will conduct a competitive solicitation for new resources with in-service dates through 2026.
- The Settling Parties have agreed to an extensive set of modeling assumptions and inputs for Phase II of Tri-State's 2020 ERP, including updates to technical assumptions such as the Social Cost of Carbon and

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<sup>1</sup> This summary should not be treated as either a comprehensive description of, or a replacement for, any of the provisions in the Settlement Agreement itself.

Methane, modeling of load impacts resulting from Tri-State's new partial requirements contracts with some of its Member Utilities, and updates to Tri-State's load forecast, coal, gas, and power forward curves, renewable resources and storage prices, and existing Power Purchase Agreement information

- The Settling Parties have agreed to a set of bid portfolios that will be modeled by Tri-State in Phase II, including a portfolio consistent with Tri-State's Phase I Revised Preferred Plan, a least-cost portfolio, a portfolio that models earlier greenhouse gas reductions, a portfolio of back-up bids, and a portfolio that models substantially reduced load. The parties also have agreed to sensitivities on these portfolios around extreme weather and high gas prices. Further, the parties have agreed to a contingent portfolio that will be modeled to show the effects of an earlier retirement of Craig Unit 3 if such a retirement does not occur in the Revised Preferred Plan Portfolio or Least Cost Portfolio.
- The Settling Parties have agreed on a number of items to be included in Tri-State's ERP Implementation Report beyond the items required by Commission Rule 3605(h), including additional detailed analyses of the reliability of Tri-State's system, greenhouse-gas emissions, and heat map graphics showing the characteristics of Phase II bids.
- The Settling Parties have agreed to certain stakeholder outreach and engagement that Tri-State will conduct prior to its next ERP filing, as well as certain modeling inputs and scenarios to be included in that filing.

- The Settling Parties have agreed to a third-party facilitator process for Tri-State to work with certain stakeholders to discuss community assistance opportunities for the City of Craig and Moffat County and to develop a report addressing those opportunities. The Settling Parties have agreed that the report generated through this process will be filed with the Commission on an informational basis.
- Tri-State has agreed to file, by April 30, 2022, a CPCN for a transmission project or projects resulting from Tri-State's work in the Colorado Coordinated Planning Group Responsible Energy Plan Task Force.

### **REMAINING HEARING PROCEDURES**

The Settling Parties recommend the following procedures with respect to the hearing currently scheduled to begin on January 31, 2022. First, the Settling Parties recommend that the procedural schedule in this proceeding be amended to include a deadline of January 26, 2022 for any Settling Parties that wish to file direct testimony in support of the settlement to do so. Tri-State intends to file such testimony addressing the topics in Rule 1408(a). Trial Staff also intends to file testimony in support of the settlement. Other Settling Parties may intend to do so as well. Allowing additional direct testimony on the Settlement Agreement is consistent with Rule 1408 and will provide the Commission with important information that demonstrates why the Settlement Agreement is in the public interest.

Second, consistent with their agreement to support or not oppose all terms of the Settlement Agreement, the Settling Parties have agreed not to cross-examine each other's witnesses.

Third, although no party opposes the Settlement Agreement, Tri-State proposes to confer with the non-settling parties to determine whether and to what extent any non-settling party intends to cross-examine witnesses at the hearing. Tri-State will file a notice with the results of its conferral no later than Friday, January 28<sup>th</sup>, along with a cross-examination matrix if necessary.

Fourth, the Settling Parties recommend that the first two days of the currently scheduled hearing (January 31 and February 1) be vacated, to allow time for review and consideration of the settlement testimony.

Fifth, the Settling Parties recommend that the remaining hearing days, beginning on February 2, be reserved to accommodate cross examination and/or questions by the ALJ. The Settling Parties believe it is unlikely that all of the remaining hearing days will be required.

#### **REQUEST FOR RELIEF**

The Settling Parties respectfully request that the Commission (1) approve, without modification, the Unopposed Comprehensive Settlement Agreement provided as Attachment A hereto; and (2) adopt the recommended hearing procedures contained in this Motion.

Respectfully submitted this 18th day of January, 2022.

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*s/ Dietrich C. Hoefner*

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