

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF TRI-STATE GENERATION AND)
TRANSMISSION ASSOCIATION, INC.,)
12076 GRANT STREET, P.O. BOX 33695,) DOCKET NO. 95A-628E
DENVER, COLORADO 80233 FOR A TEMPO-)
RARY WAIVER OF THE COMMISSION'S)
ELECTRIC INTEGRATED RESOURCE PLANN-)
ING RULES 4 CCR 723-21.)

DECISION GRANTING APPLICATION FOR TEMPORARY WAIVER

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Mailed Date: February 20, 1996
Adopted Date: February 14, 1996
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I. BY THE COMMISSION:

A. Statement

This matter comes before the Commission for consideration of the Application for Temporary Waiver of Current Electric Inte-grated Resource Planning Rules, 4 Code of Colorado Regulations 723-21, filed by Tri-State Generation and Transmission Association, Inc. ("Tri-State" or "Company").

In the application, Tri-State requests that we waive certain filing requirements within the Commission's current Integrated Resource Planning ("IRP") rules. Now being duly advised in the premises, we will grant the applica-tion consistent with the discussion herein.

B. Discussion

1. Tri-State is a jurisdictional electric utility regu-lated by the Commission pursuant to the provisions of

Title 40 of the Colorado Revised Statutes generally, and the provisions of the IRP rules specifically. Under the currently effective IRP rules, Tri-State is, in part, required to file an integrated resource plan on or before July 1, 1996. The Company is also required to file with the Commission, a request to open a docket for the purpose of resolving resource planning issues on or before January 2, 1996.

2. On February 24, 1995, we opened Docket No. 94R-071E for the purpose of soliciting comments concerning possible revisions to the existing IRP rules. See Decision No. C95-174. On June 25, 1995, we issued Decision No. C95-622, a Notice of Proposed Rulemaking, and proposed certain amendments to the rules. We have since conducted rulemaking hearings in Docket No. 94R-071E and have received extensive comment regarding the proposed new IRP rules.

3. We issued Decision No. C95-1264 on December 15, 1995. In that decision, we adopted (subject to requests for reconsideration) new IRP rules. We also acknowledged, in the decision, that the IRP process in the new rules was significantly different than the process entailed in the currently effective rules. In light of those differences and given the pendency of Docket No. 94R-071E,¹ we stated that we would entertain applications for temporary waiver of the requirements of the existing rules. Tri-State has filed the instant application in reliance upon these facts.

¹ In fact, several parties filed applications for rehearing, reargument, or reconsideration of Decision No. C95-1264. In response to those requests for reconsideration, we issued a Supplemental Notice of Rulemaking inviting further comment and scheduling an additional hearing on March 5, 1996. Decision No. C96-124.

4. We issued notice of the present application for waiver. Colorado Interstate Gas Company, and the Land and Water Fund of the Rockies ("LAW Fund") have filed requests for intervention. Additionally, the Colorado Office of Consumer Counsel ("OCC") has intervened in this matter. However, none of these intervenors opposes the Company's request for temporary waiver; neither does any party request a hearing in this matter. The LAW Fund and the OCC do request that the waiver be granted for a specific time period only. In particular, the LAW Fund requests that the waiver be granted only to May 15, 1996; the OCC suggests a date of May 31, 1996.

5. We agree with the LAW Fund and the OCC that, in light of the reasons for waiver (*i.e.*, the pendency of Docket No. 94R-071E), the waiver should be of limited duration. That is, the waiver granted to Tri-State at this time should be no greater than necessary to allow for disposition of the pending issues in Docket No. 94R-071E. We conclude that a waiver of the requirements of the existing IRP rules until May 31, 1996 is reasonable.²

II. ORDER

A. The Commission Orders That:

1. The Application for Temporary Waiver of Current

² An extension of this waiver may be reasonable in the future, depending upon the status of Docket No. 94R-071E. The Company is not precluded from requesting such an extension.

Elec-tric Integrated Resource Planning Rules, 4 Code of Colorado Regula-tions 723-21, filed by Tri-State Generation and Transmission Asso-ciation, Inc., is granted to May 31, 1996.

2. The Petitions to Intervene filed by Colorado Inter-state Gas Company and the Land and Water Fund of the Rockies are granted.

3. The Motion for Special Admission filed by the Land and Water Fund of the Rockies is granted.

4. This Order is effective on its Mailed Date.

B. ADOPTED IN OPEN MEETING February 14, 1996.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER CHRISTINE E. M. ALVAREZ
ABSENT.

TM:srs