

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

PROCEEDING NO. 26A-0235E

IN THE MATTER OF PUBLIC SERVICE COMPANY OF COLORADO'S STEP 2
APPLICATION FOR APPROVAL OF INCREMENTAL CAPACITY RESOURCES TO
ADDRESS 2027 AND 2028 RESOURCE ADEQUACY NEEDS.

**GREENLATINOS, EBONY ADVOCATES, AND VOTE SOLAR'S JOINT MOTION
TO INTERVENE AND ENTRY OF APPEARANCE**

Pursuant to Rule 1401(c) of the Colorado Public Utilities Commission's Rules of Practice and Procedure, GreenLatinos, Ebony Advocates, and Vote Solar (collectively, the "Environmental Justice Coalition") request permission to intervene in this proceeding involving Public Service Company of Colorado's proposal to further extend the December 2026 retirement deadline for Unit 2 at the Comanche coal-fired power plant (hereinafter the "Pueblo coal plant" and "Pueblo Unit 2").¹ This Motion is timely filed pursuant to the Commission's June 24, 2026 Interim Decision in this proceeding.² In support of this Motion, the Environmental Justice Coalition states as follows:

SUMMARY OF PUBLIC SERVICE'S APPLICATION

1. In its previous Electric Resource Plan (ERP) proceedings, Public Service agreed to retire Pueblo Unit 2 by December 31, 2025, and Pueblo Unit 3 by January 1, 2031.³
2. Pueblo Unit 3 experienced an unexpected and prolonged outage in the summer of 2025. As a result of this outage, shortly before Pueblo Unit 2 was slated to retire

¹ 4 Colo. Code Regs. § 723-1:1401(c).

² Decision No. C26-0423-I at 6 ¶ 2 (June 24, 2026).

³ *In re Pub. Serv. 2016 ERP*, Proceeding No. 16A-0396E, Decision No. C18-0761 at 17 ¶ 61, 42 ¶ 1 (Sept. 10, 2018); *In re Pub. Serv. 2021 ERP*, Proceeding No. 21A-0141E, Decision No. C22-0459 at 23 ¶ 49, 32 ¶ 68, 34 ¶ 75 (Aug. 3, 2022).

in December 2025, Public Service, the Colorado Energy Office (CEO), the Utility Consumer Advocate (UCA), and the Commission Trial Staff requested that the Commission allow the Company to extend Unit 2’s retirement deadline by one year, until December 31, 2026.⁴ The Commission granted the petition.⁵ The Commission also ordered Public Service to file a “Step 2” application in June 2026, “which would consist of any additional variances or resource approvals building” on Public Service’s reports regarding the repairs and return to service status of Pueblo Unit 3.⁶

3. Public Service’s most recent monthly report states that Pueblo Unit 3 is expected to return to service in August 2026.⁷ Although Public Service plans to bring Unit 3 back online in August 2026, the Company now claims in this Step 2 application that it faces broader resource adequacy concerns in 2027 and 2027 that go beyond the Unit 3 outage.⁸ To address the purported capacity shortfalls, Public Service presents the Commission with six portfolios. Two of the portfolios would maintain the current December 2026 retirement deadline for Comanche 2, three portfolios would extend the retirement deadline to December 2027, and one portfolio would extend the retirement deadline to March 2028.⁹ The portfolios also consist of other measures to add capacity in 2027 and 2028, such as increased demand response, deploying dispatchable battery storage systems, extending expiring contracts for gas units, accelerating the in-service dates for Fort Saint Vrain Units 7 and 8, and repairing the Hayden coal plant to increase its capacity before Xcel retires the

⁴ *In re Pet. to Extend Pueblo 2 Retirement Deadline*, Proceeding No. 25V-0480E, Pub. Serv. et al., Pet. for Variance at 1 (Nov. 10, 2025).

⁵ *In re Pet. to Extend Pueblo 2 Retirement Deadline*, Proceeding No. 25V-0480E, Decision No. C25-0892 at 24 ¶ 64 (Dec. 10, 2025).

⁶ *Id.* at 4 ¶¶ 10–11.

⁷ *In re Pet. to Extend Pueblo 2 Retirement Deadline*, Proceeding No. 25V-0480E, Pub. Serv., Monthly Comanche Report at 6 (June 15, 2026).

⁸ *See, e.g.*, Hr’g Ex. 101, Zeryai Hagos Direct Test. 13:1–12 (June 15, 2026).

⁹ *Id.* at 9:11.

coal plant in 2028.¹⁰

4. Public Service’s preferred portfolio would extend the Pueblo Unit 2 retirement deadline to March 2028.¹¹ Public Service also proposes a November 2027 “check-in” filing, in which the Company could propose to further extend Unit 2’s retirement deadline.¹²

REQUEST FOR PARTY POSITIONS REGARDING A HEARING IN THIS MATTER

5. Public Service requests that the Commission grant this application without a hearing, and that if a hearing is required, the Commission conduct an in-person hearing in Denver.¹³ The Commission has asked the parties to share their positions on these requests in their invention motions.¹⁴

6. The Environmental Justice Coalition urges the Commission to reject Public Service’s request to further extend the life of Pueblo Unit 2 without a hearing. As the Environmental Justice Coalition explained in the previous variance proceeding, extending the retirement deadline for the heavily polluting Pueblo Unit 2 will harm Pueblo community members and exacerbate the historical inequities the coal plant has caused in Pueblo.¹⁵ Accordingly, this case raises significant equity issues that the Commission must consider and address to comply with its statutory mandate to minimize harms and correct the historical inequities experienced by disproportionately impacted communities such as Pueblo.¹⁶ The Commission has already extended the life of Pueblo Unit 2 once through an

¹⁰ *Id.*

¹¹ *Id.* at 56:6–57:9.

¹² *Id.* at 59:6–11.

¹³ Decision No. C26-0423-I at 3 ¶ 9.

¹⁴ *Id.* at 5 ¶ 15.

¹⁵ *In re Pet. to Extend Pueblo 2 Retirement Deadline*, Proceeding No. 25V-0480E, Env’t Justice Coal. Resp. at 3–5 (Nov. 20, 2025).

¹⁶ Colo. Rev. Stat. § 40-2-108(3).

abbreviated procedural process, and it would be unjust and inequitable for the Commission to further extend the retirement deadline without a full evidentiary hearing process, including a hearing.

7. If the Commission prefers an in-person hearing, the Environmental Justice Coalition requests that the Commission conduct a hybrid hearing and allow parties the option of having their witnesses and attorneys appear and participate remotely. Remote hearings increase the accessibility of the Commission's hearing processes, as they allow parties to reduce or avoid the expenses and time commitments required for witnesses and attorneys to appear in-person in Denver. These accessibility considerations are particularly important here, as the Pueblo coal plant and the community members impacted by this decision are not located near Denver. Moreover, there is Commission precedent for conducting this type of hybrid evidentiary hearing.¹⁷

ORGANIZATIONS REQUESTING INTERVENTION

8. GreenLatinos is a national nonprofit organization that convenes a broad coalition of Latino leaders committed to addressing environmental, natural resources, and conservation issues that significantly affect the health and welfare of the Latino community.¹⁸ GreenLatinos engages in this advocacy at the national, regional, and local levels. It strives to amplify the voices of minority, low-income, and tribal communities and to advance health equity, environmental justice, and community resilience. GreenLatinos has members who live in Pueblo and nearby areas, and other members who live elsewhere in Colorado and who are Public Service customers. GreenLatinos and its members have an

¹⁷ See, e.g., *In re Black Hills Clean Heat Plan*, Proceeding No. 23A-0633G, Decision No. R24-0326-I at 4–5 ¶¶ 21–22 (May 13, 2024).

¹⁸ GreenLatinos, <https://www.greenlatinos.org/> (last visited July 8, 2026).

interest in ensuring that Public Service retires the Pueblo coal plant as soon as possible, and that there is a just transition for the Pueblo community as the coal plant retires.

9. Ebony Advocates is a Colorado-based nonprofit organization that advances equity through environmental justice, leadership development, and health advocacy.¹⁹ Ebony Advocates is rooted in the belief that every person has the power to be an advocate. By providing training, mentorship, and opportunities for civic engagement, Ebony Advocates equips individuals to influence decisions, shape policies, and lead movements that advance equity in all spheres of life. Ebony Advocates' mission is to identify, educate, and mobilize individuals—especially those who have never seen themselves as advocates—equipping them with the tools to champion change, strengthen communities, and expand equity for all. Through leadership programs, environmental and health advocacy, and civic engagement initiatives, Ebony Advocates creates pathways for communities of color to exercise influence and drive systemic change. Its vision is a world where underrepresented communities lead in shaping environmental policy, health equity, and civic life, and it envisions thriving neighborhoods where equity in opportunity, voice, and resources is a fundamental right, not a privilege. Ebony Advocates works and partners with Pueblo community members that are harmed by the Pueblo coal plant. These community members want Public Service to promptly retire both units at the coal plant, and they support a clean and truly just transition in Pueblo as the coal plant retires.

10. Vote Solar is an independent nonprofit organization working to repower the United States with clean energy by making solar power more accessible and affordable through effective policy advocacy.²⁰ Vote Solar seeks to promote the development of solar at

¹⁹ Ebony Advocates, <https://ebonyadvocates.org/> (last visited July 8, 2026).

²⁰ Vote Solar, <https://votesolar.org/> (last visited July 8, 2026).

every scale, from distributed rooftop solar to large utility-scale solar facilities, and to encourage common-sense electrification of the economy, all as part of the transition away from fossil fuel-powered energy consumption. Vote Solar has over 92,000 members nationally and nearly 3,000 members in Colorado, including members who are Public Service customers. Vote Solar is not a trade group, and it does not have corporate members. Vote Solar has an interest in ensuring that Public Service promptly retires the Pueblo coal plant and in advancing a just transition in Pueblo through the construction and acquisition of clean energy resources, such as solar and battery storage, that will not continue the Pueblo coal plant's legacy of air pollution or impose other public health and safety risks on the Pueblo community.

11. The organizations in the Environmental Justice Coalition have intervened and actively participated in previous Commission proceedings, and they regularly uplift the needs and desires of disproportionately impacted communities in these proceedings. The three organizations in the Environmental Justice Coalition intervened in the previous variance proceeding involving the Pueblo Unit 2 retirement deadline.²¹ GreenLatinos and Vote Solar also intervened in the pending Just Transition proceeding to advocate for a clean and truly just transition in Pueblo as the coal plant retires.²² Organizations in the Environmental Justice Coalition have also intervened in several Public Service Renewable Energy Plan proceedings, and previous Transportation Electrification Plan proceedings for Public Service and Black Hills Energy.

²¹ *In re Pet. to Extend Pueblo 2 Retirement Deadline*, Proceeding No. 25V-0480E.

²² *In re Pub. Serv. Just Transition Plan*, Proceeding No. 24A-0442E.

ARGUMENT

12. Rule 1401(c) allows parties to permissively intervene in a Commission proceeding if the proceeding “may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and . . . the movant’s interests would not otherwise be adequately represented.”²³ The Commission should allow the Environmental Justice Coalition to permissively intervene in this proceeding because this case may substantially affect the tangible interests of GreenLatinos, Ebony Advocates, and Vote Solar, as well as the interests of their members. In addition, no other party to this proceeding will adequately represent their unique interests.

I. Public Service’s request to further extend the life of Pueblo Unit 2 may substantially affect the Environmental Justice Coalition’s tangible equity and environmental justice interests in minimizing environmental injustice and advancing a just transition in the Pueblo area.

13. GreenLatinos, Ebony Advocates, and Vote Solar each have tangible interests that may be affected by the Commission’s decision in this proceeding. As detailed below, each organization has a tangible interest in Public Service promptly retiring Pueblo Units 2 and 3, and in ensuring a just transition for Pueblo. The Commission’s decision in this proceeding will therefore substantially affect the interests of the Environmental Justice Coalition organizations and their members in several ways.

14. First, GreenLatinos, Ebony Advocates, and Vote Solar have tangible interests in ensuring that Public Service promptly retires Pueblo Unit 2 by the current December 2026 retirement deadline, and that the Commission not authorize the Company to further extend the life of the unit. Public Service pollutes and harms the Pueblo community when it combusts coal to generate electricity at the Pueblo coal plant. Pueblo Unit 2 was scheduled

²³ 4 Colo. Code Regs. § 723-1:1401(c).

to retire in December 2025, and the Commission's previous decision to extend the life of the unit by a year, while also allowing Public Service to repair Unit 3 and bring it back online, will likely increase the amount of coal burned at the Pueblo coal plant and the pollution it emits into the Pueblo community in 2026. Allowing Unit 2 to continue operating after its new December 2026 retirement deadline will further harm the community and exacerbate historical inequities, particularly as Public Service also plans to begin operating Unit 3 again in August 2026. Accordingly, the Commission's decision regarding whether to allow Public Service to continue operating Pueblo Unit 2 after its December 2026 retirement deadline will affect GreenLatinos', Ebony Advocates', and Vote Solar's tangible interests in reducing pollution and environmental injustices in Pueblo.

15. Second, GreenLatinos, Ebony Advocates, and Vote Solar have tangible interests in Public Service retiring the Pueblo coal plant, including Unit 3, as promptly as possible. If the Commission is going to reconsider and potentially extend the retirement deadline for Unit 2 in this proceeding, it should also reconsider and potentially accelerate the current January 1, 2031 retirement deadline for Unit 3. Retiring Unit 3 before January 1, 2031, would benefit the Environmental Justice Coalition by reducing the harms the Pueblo community members suffer from Unit 3's pollution. And due to the long history of unplanned outages and costly repairs at Unit 3, this would also likely benefit the Environmental Justice Coalition organizations' members beyond Pueblo who are Public Service ratepayers. The Commission has an equity mandate to minimize harms and correct historical inequities in Pueblo, and the Commission should therefore also consider how it can benefit the Pueblo community in this proceeding by minimizing the Pueblo coal plant's operations and shortening Unit 3's remaining useful life. Accordingly, a Commission decision regarding whether to reconsider the current Unit 3 retirement deadline, whether to accelerate Unit 3's current retirement deadline, or to place other guardrails on Unit 3's

operations will affect GreenLatinos', Ebony Advocates', and Vote Solar's tangible interests in reducing pollution and environmental injustices in Pueblo.

16. Each of the organizations participating in the Environmental Justice Coalition have different members, and thus each organization has a discrete tangible interest in the Commission's decision regarding the Pueblo Unit 2 retirement deadline that warrants intervention. The organizations have filed this joint Motion to Intervene because they plan to participate jointly in this case in the interest of efficiency and to conserve resources.

II. No other party will adequately represent the Environmental Justice Coalition organizations' interests.

17. The Environmental Justice Coalition organizations' tangible interests in this proceeding will not be adequately represented by any other party. GreenLatinos, Ebony Advocates, and Vote Solar are nonprofit organizations that are uniquely focused on environmental justice, and advancing a truly equitable and just transition for Pueblo. Their interests are therefore separate and distinct from other parties, and they bring unique and important perspectives and expertise to the issues raised by this case.

18. The UCA (formerly the Office of Consumer Counsel or OCC) cannot adequately represent the Environmental Justice Coalition organizations' interests in this proceeding. Rule 1401(c) states that if a motion to intervene is filed "by a residential consumer, agricultural consumer, or small business consumer, the motion must discuss whether the distinct interest of the consumer is . . . not adequately represented by the UCA."²⁴ This additional requirement to specifically demonstrate that the UCA does not adequately represent a movant's interests does not apply here. The Environmental Justice

²⁴ 4 Colo. Code Regs. § 723-1:1401(c).

Coalition organizations are seeking intervention as nonprofit organizations that have tangible interests that will be affected by the Commission’s decision in this case, and they are not seeking to intervene as a residential, agricultural, or small business customer.

19. Even if this additional requirement to demonstrate inadequate UCA representation were to apply, the UCA would not adequately represent the Environmental Justice Coalition organizations’ interests in this case. As discussed above, the Environmental Justice Coalition’s interests in this proceeding are ensuring that Public Service retire Pueblo Units 2 and 3 as quickly as possible. The UCA has previously supported extending Unit 2’s retirement deadline, and thus its interests are at odds with the Environmental Justice Coalition’s interests. This is not surprising, as the UCA understandably has different interests and goals in this proceeding than the Environmental Justice Coalition organizations’ interests and goals. When parties to a proceeding do not have identical interests—which is the case here—there typically is not adequate representation and intervention should ordinarily be allowed.²⁵

20. Moreover, even if the UCA’s interests were closely aligned with the Environmental Justice Coalition’s interests, the UCA would nonetheless not adequately represent the nonprofit organizations’ interests. As courts have explained, when a

²⁵ See *Cherokee Metro. Dist. v. Meridian Serv. Metro. Dist.*, 266 P.3d 401, 407 (Colo. 2011); see also *O’Hara Grp. Denver, Ltd. v. Marcor Hous. Sys., Inc.*, 595 P.2d 679, 688 (Colo. 1979) (A movant “should be allowed to participate if it appears that all of its interests may not be adequately represented by those already parties to th[e] lawsuit.”); *City of Thornton v. Bd. of Cty. Comm’rs of Larimer*, No. 2019 CV 30339, 2019 WL 3228258, at *9–10 (Larimer Cty. Dist. Ct. July 16, 2019) (County representation of environmental groups was inadequate when it was unclear if County “would raise the same arguments”). Intervention under Rule 1401(c) is informed by the case law regarding intervention in state courts under the Colorado Rules of Civil Procedure. See, e.g., *In re 2019 Rules of Practice and Procedure Amendments*, Proceeding No. 19R-0483ALL, Decision No. R19-1022 at 26–29, ¶¶ 105–12 (Dec. 23, 2019); *In re 2012 Rules of Practice and Procedure Amendments*, Proceeding No. 12R-500ALL, Decision No. C13-0442 at 18–19, ¶¶ 42–45 (Apr. 16, 2013).

government agency such as the UCA is obligated to consider a broad spectrum of views, it is “on its face impossible for [the] government agency to carry the task of protecting the public’s interests and the private interests of a prospective intervenor.”²⁶ This common-sense conclusion should also apply to Commission proceedings.²⁷ The UCA has a statutory mandate to “represent the public interest and, to the extent consistent therewith, the specific interests of residential consumers, agricultural consumers, and small business consumers.”²⁸ Although the factors the UCA must consider when determining its view of the public interest include just transition and environmental justice, these are just two of several factors.²⁹ The agency remains charged with representing the wider public interest, and these factors do not limit the right of parties to intervene in proceedings.³⁰ The UCA thus has a broad public interest mandate that is distinct from the Environmental Justice Coalition organization’s discrete equity and environmental justice interests. Accordingly, the UCA cannot adequately represent the Environmental Justice Coalition’s interests.

21. In addition, the fact that the UCA has taken opposing positions to some of the Environmental Justice Coalition organizations in other proceedings belies any presumption that the UCA might adequately represent the Environmental Justice

²⁶ *WildEarth Guardians v. Nat’l Park Serv.*, 604 F.3d 1192, 1200 (10th Cir. 2010) (quoting *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 295 F.3d 1111, 1117 (10th Cir. 2002)) (internal quotation marks omitted); see also *Colo. Mining Ass’n v. Urbina*, No. 11CV2044, at *2–3 (Denver City & Cty. Dist. Ct. Nov. 18, 2011) (citing *WildEarth Guardians*, 604 F.3d at 1200; *Utahns for Better Transp.*, 295 F.3d at 1117) (“[A] government entity typically cannot adequately represent the interests of a private organization.”).

²⁷ In addition to state case law, the Commission has looked to federal case law to inform its decisions on procedural matters. See, e.g., *In re 2019 Rules of Practice and Procedure Amendments*, Proceeding No. 19R-0483ALL, Decision No. R19-1022 at 11–12, ¶¶ 39–40.

²⁸ Colo. Rev. Stat. § 40-6.5-104(1).

²⁹ *Id.* § 40-6.5-104(2).

³⁰ *Id.*

Coalition's interests in this case.³¹ This fact demonstrates that not only does the UCA not have identical interests to the Environmental Justice Coalition, the UCA often has opposing interests. Given this background, the Commission should not conclude that the UCA's interests in this case are identical to the Environmental Justice Coalition's interests.

22. For similar reasons, CEO also cannot adequately represent the Environmental Justice Coalition organizations' interests in this proceeding. CEO has also supported extending the retirement deadline for Pueblo Unit 2, and thus its interests are opposed to the Environmental Justice Coalition's interests in this case. In addition, CEO is also a government agency with a broad public interest mandate that is distinct from the Environmental Justice Coalition organizations' discrete equity and environmental justice interests. For example, although CEO and the Environmental Justice Coalition organizations seek to advance the use of solar and battery storage, CEO is also statutorily tasked with promoting resources such as hydrogen and advanced nuclear, and it lacks a particular focus on equity and health concerns.³² Notably, CEO itself has disclaimed its ability to represent any other organizations' interests. In its comments and request for rehearing, reargument, or reconsideration regarding amendments to Rule 1401, CEO stated that it "does not and cannot represent the interests of any other organization before

³¹ See, e.g., *In re Pub. Serv. Just Transition Plan*, Proceeding No. 24A-0442E, Env't Justice Coal. Statement of Position at 25–26 (July 17, 2025) (opposing the UCA's proposals to extend the life of Cherokee Unit 4 and build new gas units at the Cherokee site); *In re Black Hills 2024–2026 TEP*, Proceeding No. 23A-0244E, Env't Justice Coal. Resp. to UCA Exceptions (Jan. 22, 2024); *In re Pub. Serv. 2021–2023 TEP*, Proceeding No. 20A-0204E, Env't Justice Coal. Statement of Position at 16–24 (Dec. 11, 2020) (opposing the OCC's recommendations regarding the Equity Electric Vehicle Purchase Rebate and a third-party administrator).

³² Colo. Rev. Stat. § 24-38.5-102(1)(a).

the Commission.”³³ CEO explained that although “protecting the environment is one of its many statutory duties,” CEO “exists within the Office of the Governor, its positions are based on balancing multiple public policy considerations that are important to the administration,” and therefore CEO “cannot serve to represent the interests of any other group or organization.”³⁴ This is precisely why courts have ruled it is impossible for an agency to adequately represent a private intervenor’s interests, and why the Commission should reach the same conclusion here.³⁵

III. The Environmental Justice Coalition’s participation will advance the just resolution of this proceeding.

23. Rule 1401(c) also requires an intervention motion to state why the movant “is positioned to represent [its] interest in a manner that will advance the just resolution of the proceeding.”³⁶ The Environmental Justice Coalition organizations’ participation will advance the just resolution of this proceeding because they have unique perspectives and expertise regarding the experiences, desires, and needs of community members in Pueblo, and income-qualified customers and disproportionately impacted communities across Colorado. These issues and perspectives are key to this proceeding. The organizations that comprise the Environmental Justice Coalition will therefore provide meaningful and significant information to the Commission on issues directly related to Public Service’s request to further extend the life of Pueblo Unit 2.

³³ *In re Amendments to Rules of Practice and Procedure*, Proceeding No. 19R-0483ALL, Colo. Energy Office Appl. for Rehearing, Reargument, or Reconsideration at 3 (Apr. 20, 2020).

³⁴ *Id.* at 3–4; *In re Amendments to Rules of Practice and Procedure*, Proceeding No. 19R-0483ALL, Colo. Energy Office Initial Comments at 13 (Oct. 18, 2019); *see also In re Amendments to Rules of Practice and Procedure*, Proceeding No. 19R-0483ALL, Colo. Energy Office Exceptions to Recommended Decision at 11 (Jan. 13, 2020) (“CEO represents the governor and not any nongovernmental organization.”).

³⁵ *See supra* ¶ 20.

³⁶ 4 Colo. Code Regs. § 723-1:1401(c).

24. The Environmental Justice Coalition organizations' participation in this proceeding will not unduly broaden the issues or delay the proceeding. In the interest of administrative efficiency, these organizations have filed a joint intervention motion, and they plan to participate jointly in this proceeding. In addition, the Environmental Justice Coalition is committed to coordinating with other parties where possible to avoid duplicative presentation of issues.

25. The Environmental Justice Coalition does not currently know the full extent and nature of evidence it will bring forward in this proceeding, and it reserves the right to present evidence to further its interests based on the subsequent discovery and testimony in this proceeding. In general, the Environmental Justice Coalition plans to argue that the Commission should not allow Public Service to extend the life of Pueblo Unit 2, and that it order Public Service to retire Units 2 and 3 as quickly as possible. In short, the Environmental Justice Coalition believes that the Commission should substantially modify Public Service's proposal, and the Coalition plans to recommend various modifications and improvements to the proposal that would minimize harm to community members in Pueblo.

26. Intervening as a party in this case is necessary for GreenLatinos, Ebony Advocates, and Vote Solar to further their tangible interests. Discovery, expert testimony, and cross-examination are necessary for the Environmental Justice Coalition to adequately evaluate the details of the Company's proposals, and to recommend improvements to the proposal. More limited participation in this matter through public comment or as *amicus curiae* would be insufficient and would unreasonably limit the Environmental Justice Coalition organizations' ability to further their interests.

ENTRY OF APPEARANCE

27. Pursuant to Rule 1201(c), undersigned counsel, Michael Hiatt with Earthjustice enters his appearance on behalf of GreenLatinos, Ebony Advocates, and Vote

Solar.³⁷ Undersigned counsel has previously appeared before this Commission and is familiar with, and will abide by, the Commission's Rules.

28. The Environmental Justice Coalition requests that copies of all notices, pleadings, testimony, correspondence, discovery, and other documents be served electronically upon the following individuals:

Michael Hiatt
Earthjustice
1125 17th Street, Suite 1010
Denver, CO 80202
(303) 996-9617
mhiatt@earthjustice.org

Jamie Valdez
GreenLatinos
1919 14th St., Suite 700
Boulder, CO 80302
(720) 933-6363
jamievaldez@greenlatinos.org

Eleanor Greer
Earthjustice
1125 17th Street, Suite 1010
Denver, CO 80202
(303) 996-9610
egreer@earthjustice.org

Jessica Herrera
GreenLatinos
1919 14th St., Suite 700
Boulder, CO 80302
(720) 655-3042
jessicaherrera@greenlatinos.org

Diana Ramirez
Earthjustice
1125 17th Street, Suite 1010
Denver, CO 80202
(303) 996-9610
dramirez@earthjustice.org

Portia Prescott
Ebony Advocates
1462 S. Salem Way
Aurora, CO 80012
(310) 497-0403
portiaprescott@gmail.com

Ean Tafoya
GreenLatinos
1919 14th St., Suite 700
Boulder, CO 80302
(720) 621-8985
eantafoya@greenlatinos.org

Kate Bowman
Vote Solar
299 S. Main St., Suite 1300
PMB 93601
Salt Lake City, UT 84111
kbowman@votesolar.org

CONCLUSION

29. The Commission's decision in this case regarding Public Service's request to further extend the retirement deadline for Pueblo Unit 2 will directly affect the tangible

³⁷ 4 Colo. Code Regs. § 723-1:1201(c).

interests of GreenLatinos, Ebony Advocates, and Vote Solar. No other party can adequately represent their interests. The Environmental Justice Coalition organizations therefore request the Commission grant their Motion to Intervene, and that they be allowed to participate with full rights as parties to this proceeding.

Dated July 8, 2026.

/s/Michael Hiatt

Michael Hiatt, Attorney Reg. No. 41178

Earthjustice

1125 17th Street, Suite 1010

Denver, CO 80202

(303) 623-9466

mhiatt@earthjustice.org

*Attorney for GreenLatinos, Ebony
Advocates, and Vote Solar*