



General Assembly
State of Colorado
Denver

Colorado Public Utilities Commission
1560 Broadway #250
Denver, CO 80202

September 28, 2020

Re: Dockets 19F-0620E and 19F-0621E

Dear Chairman Ackermann, Commissioner Gavan and Commissioner Gilman:

We would like to express our deep concern with the recent reversal by the Federal Energy Regulatory Commission (FERC) to now assume exclusive jurisdiction over Tri-State Generation & Transmission (Tri-State). This ruling is of great concern to us with regard to how Tri-State will move forward with its business in Colorado and leaves unanswered questions about what this means for electric cooperative members such as La Plata Electric Association and United Power, as well as what this means for PUC authority over rural energy cooperatives in the future.

We believe strongly that Tri-State should remain under regulatory control in Colorado so that the Public Utilities Commission (PUC) and General Assembly can best respond to the needs of Colorado's rural electric cooperative customers.

As mentioned in our July 2019 letter to Tri-State, the concerns we raised with its surprise move to FERC have not waned. We remain troubled that Tri-State's move to be regulated by FERC in Washington D.C. will leave rural Colorado in the dark. We have yet to see a plan for how Tri-State will work with its member-owners and how Tri-State will ensure customers pay just, reasonable and non-discriminatory rates and advance progress towards Colorado's energy policy goals. Further, and in the name of transparency, we would encourage Tri-State to better engage with member-owners, the PUC and General Assembly.

Finally, we find it suspect that a greenhouse, cattle ranch and gas supplier merit the exclusive jurisdiction of FERC. We encourage the PUC to exercise its authority in finding that the addition of non-utility members to Tri-State was illegitimate, not done in earnest for its member-owners and thus is not consistent with existing Colorado statutory guidelines. We would urge the PUC to reach the same conclusion.

We believe Tri-State can best serve its Colorado customers when being held accountable by Coloradans. Issues affecting the implementation of state policy goals and rural Coloradans

should be decided here in Colorado and not in Washington, D.C., where it will be difficult for local stakeholders to participate.

Sincerely,

President Leroy Garcia

Majority Leader Steve Fenberg

Energy and Transportation Chair, Senator Faith Winter

Senator Chris Hansen

Speaker KC Becker

Majority Leader Alec Garnett

Energy and Environment Chair, Representative Dominique Jackson