

<p>DISTRICT COURT, DENVER COUNTY, COLORADO Denver City and County Building 1437 Bannock Street, Room 256 Denver, Colorado 80202</p>	<p>DATE FILED: April 18, 2022 5:39 PM FILING ID: 37078B278BA8D CASE NUMBER: 2021CV32787</p>
<p>CORE ELECTRIC COOPERATIVE f/k/a INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>PUBLIC SERVICE COMPANY OF COLORADO,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for Plaintiff CORE Electric Cooperative f/k/a Intermountain Rural Electric Association:</i> Perry L. Glantz, Atty. Reg. No. 16869 Ryan M. Sugden, Atty. Reg. No. 49499 Judith S. Araujo, Atty. Reg. No. 54102 STINSON LLP 1144 Fifteenth Street, Suite 2400 Denver, Colorado 80202 Phone: 303-376-8410 Fax No: 303-376-8439 perry.glantz@stinson.com ryan.sugden@stinson.com judith.araujo@stinson.com</p>	<p>Case No.: 2021CV032787</p> <p>Div. No.: 424</p>
<p style="text-align: center;">SUPPLEMENT TO FIRST AMENDED COMPLAINT AND JURY DEMAND</p>	

Pursuant to C.R.C.P. 15(d) and Section 8(a) of the Case Management Order, Plaintiff CORE Electric Cooperative f/k/a Intermountain Rural Electric Association (“CORE”) submits the following supplement to CORE’s First Amended Complaint to assert facts arising after the date of its original Complaint against Defendant Public Service Company of Colorado (“PSCo”).

1. At 9:17 a.m. on January 28, 2022, Comanche 3 tripped offline due to an “A” Phase breaker opening. This trip was preceded by a low spring pressure alarm the day before. After the

alarm, PSCo ordered parts to repair the breaker but, upon information and belief, took no steps to avoid Comanche 3 tripping offline in the meantime.

2. After Comanche 3 tripped offline, PSCo determined that a jumper on the breaker, which was PSCo's responsibility to remove, had not been removed which caused the breaker to open once the spring pressure dropped below a certain threshold. Upon information and belief, had the jumper properly been removed, the breaker would not have opened and Comanche 3 would not have tripped offline.

3. PSCo substation personnel have limited experience and training with the breaker in question, limited to replacing the nylon gear within the breaker.

4. After the breaker had opened, substation personnel replaced a nylon gear in the breaker's spring charging mechanism. PSCo's plant director asked the plant's electrical engineer whether a generator clearance was needed. The electrical engineer said it was not.

5. Between 3:00 p.m. and 4:00 p.m. on January 28, 2022, an "event" occurred at PSCo's Comanche substation yard that caused its 230 kilovolt and 345 kilovolt busses to trip. The entire Comanche generating station went dark as a result.

6. A subsequent root cause analysis by PSCo determined that the close coil on the breaker "was manually operated inadvertently allowing the changeover valve to shift and re-direct hydraulic fluid pressure onto the drive piston," which caused the breaker to close. This caused an inrush of negative current that passed through the Comanche 3 generator step-up transformer and Comanche 3 generator. This inrush resulted in a negative current sequence and motorization of the generator, damaging the generator. *See* Ex. J (root cause analysis).¹

7. PSCo's root cause analysis identified "lack of activity coordination between substations and plant operations" and conducting work "without establishing a robust clearance order/ tag-out to protect the generator in the event of an unexpected system response" as "causal and influencing factors" to the incident. *See* Ex. J.

8. On February 16, 2022, PSCo sent the generator to Mechanical Dynamics & Analysis ("MDA") in St. Louis, Missouri for inspection and repairs. *See* Ex. K (Feb. 28, 2022 letter). MDA determined that certain components of the rotating assembly, including the unit's retaining rings, were metallurgically affected due to the significant electrification and needed to be repaired. *See* Ex. L (March 11, 2022 letter).

9. Repairs are underway but not yet completed, causing Comanche 3 to be offline for months. Repair costs are estimated to be \$6.4 million. Ex. J at p. 1. While Comanche 3 is offline,

¹ Exhibit J contains redactions pursuant to Defendant's request. CORE agreed to apply the redactions for purposes of this filing but it does not concede that Exhibit J should necessarily be redacted in subsequent filings.

CORE is deprived of its entitlement to Comanche 3's Energy that is worth millions of dollars, and CORE's ownership interest in Comanche 3 is negatively affected.

10. Upon information and belief, the "inadvertent" manual operation of the breaker was human error by a PSCo operator, caused at least in part by lack of training and procedures, which is another event of default and breach of PSCo's duties under the Project Agreements to operate Comanche 3 consistent with Prudent Utility Practices. Accordingly, PSCo is liable to CORE for CORE's damages arising from this outage in an amount to be determined at trial.

Respectfully submitted on this 18th day of April, 2022.

STINSON LLP

s/ Ryan M. Sugden

Ryan M. Sugden, Atty. Reg. No. 49499

*Attorneys for Plaintiff CORE Electric
Cooperative*

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2022, a true and correct copy of the foregoing was submitted electronically through the Colorado E-Filing/Service System, for filing and service on all counsel of record.

s/Geoffrey G. Muckerman
Geoffrey G. Muckerman