

Decision No. C23-0095

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0013EG

IN THE MATTER OF A REPOSITORY PROCEEDING FOR THE FILING OF 2022
ELECTRIC AND GAS LOW-INCOME PROGRAMS ANNUAL REPORTS PURSUANT TO
RULES 4 CCR 723-3-3412 AND 4 CCR 723-4-4412.

**COMMISSION DECISION ESTABLISHING
PROCEDURAL SCOPE AND SCHEDULING
COMMISSIONER INFORMATION MEETING FOR
FEBRUARY 22, 2023**

Mailed Date: February 9, 2023
Adopted Date: February 8, 2023

I. BY THE COMMISSION

A. Statement

1. By this Decision, we schedule a Commissioners' Information Meeting (CIM) to discuss the scope of work for the evaluation of Percentage of Income Payment Plan (PIPP) programs that will be undertaken by a vendor for the Colorado Energy Office (CEO) (the 2023 Triennial Evaluation) and to initiate a broader conversation about overall efforts to support our most disadvantaged customers at a time when volatile natural gas prices have created significant affordability issues. Through this Proceeding, we may hold additional CIMs or workshops and solicit comments on the findings in the 2023 Triennial Evaluation, as well as on other income-qualified programs where necessary to appropriately contextualize the 2023 Triennial Evaluation and consider next steps, such as future rulemakings.

B. Background, Findings, and Conclusions

2. Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-3-3412 Rules Regulating Electric Utilities and 4 CCR 723-4-4412 Rules Regulating Gas Utilities establish the form of electric and gas utilities' low-income programs. These programs are commonly known as PIPP programs and utility customers may know them as Electric or Gas Affordability Programs. Under PIPP programs, electric and gas utilities may provide income-eligible participants with discounts that prevent their bills from exceeding an affordable percentage of their household income.

3. Rules 3412(k) and 4412(k) require a triennial evaluation of PIPP programs. Specifically, under Rules 3412(k) and 4412(k), a third-party vendor is to conduct a triennial evaluation of low-income energy assistance programs operated by qualifying retail utilities. The vendor is procured by the Colorado Energy Office (CEO) to perform the evaluation, with the involvement of interested stakeholders. While the procurement of the third-party vendor is the responsibility of CEO, Rules 3412(k)(II) and 4412(k)(II) establish that such procurement is subject to Commission approval: "Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days."

4. The 2020 Triennial Evaluation, the first evaluation under Rules 3412(k) and 4412(k), was conducted in Proceeding No. 20M-0013EG and covered the period November 1, 2016 through October 31, 2019. By Decision No. C20-0214, issued April 3, 2020, the Commission approved ADM Associates as the third-party vendor selected by CEO, and approved the corresponding vendor contract. The 2020 Triennial Evaluation was filed on October 13, 2020. The

Commission hosted a CIM on October 28, 2020 and discussed the findings of the 2020 Triennial Evaluation.

5. Subsequently, the Commission took up targeted modifications to Rules 3412 and 4412 through Proceeding No. 21R-0326EG. The final rules were adopted by Decision No. C22-0451, issued August 2, 2022, and became effective on October 15, 2022. Changes adopted in Proceeding No. 21R-0326EG included certain changes proposed by the 2020 Triennial Evaluation and based on legislative direction.

6. Proceeding No. 23M-0013EG was opened administratively on January 3, 2023, to serve as a repository for annual reports, which are filed by electric and gas utilities by no later than December 31 of each year and cover the 12-month period ending October 31, as well as to receive the 2023 Triennial Evaluation covering the period of November 1, 2019, through October 31, 2022. Rule 3412(k)-(l), Rule 4412(k)-(l).

7. Accordingly, we are preparing to implement the triennial evaluation process under Rules 3412(k) and 4412(k) for the second time. We appreciate CEO's work to engage stakeholders collaboratively on the statement of work so far. Given the Commission's ongoing consideration of its role in promoting affordability for energy customers, we propose a variation from the process used in Proceeding No. 20M-0013EG. First, we intend to engage with CEO earlier to provide guidance on the statement of work for the vendor before the vendor contract comes to us for consideration and approval. Rules 3412(k) and 4412(k) set forth a scope for the statement of work and specify that the evaluation will consider best practices in similar low-income assistance programs in other regulatory jurisdictions, making the 2023 Triennial Evaluation one component of gaining a larger perspective on how the Commission can continue to implement improvements to programs for the most vulnerable Colorado residents. To achieve this objective of providing

early feedback, we schedule a virtual CIM and invite CEO to present on the proposed statement of work. We also direct Staff to invite representatives of regulated utilities and other assistance providers for updates on the PIPP programs and other energy bill assistance programs, including whether they are seeing increased enrollments and how this is impacting current budgets.

8. We intend to hold the CIM on February 22, 2023, to enable CEO to finalize the statement of work shortly thereafter and to seek an appropriate vendor in a timely manner.

9. Staff will post an agenda for the CIM in this Proceeding in the E-Filings System.

10. In addition to being a repository for relevant PIPP reports, we may hold additional CIMs or workshops regarding PIPP programs and other income-qualified programs and solicit comments on the findings in the 2023 Triennial Evaluation, if we deem such actions necessary to appropriately contextualize PIPP programs and to understand how to best implement potential program improvements identified through the 2023 Triennial Evaluation.

11. Pursuant to Rule 3412(k)(II) and 4412(k)(II), CEO shall file with the Commission its request for approval of the contract of the vendor selected no sooner than 30 days after the CIM has been completed.

II. ORDER

A. It Is Ordered That:

1. This Proceeding is designated as a repository for presentations, comments, and reports, and the Commission may schedule additional Commissioners' Information Meetings (CIM) and/or workshops or solicit comments as necessary to contextualize electric and gas utilities' Percentage of Income Payment Plan programs and to understand how to implement potential program improvements that may be identified through the 2023 Triennial Evaluation.

2. A virtual CIM is scheduled as follows to invite the Colorado Energy Office to present on the statement of work and process for the 2023 Triennial Evaluation, and to address other topics as discussed above:

DATE: Wednesday, February 22, 2023

TIME: 1:00 p.m. to no later than 4:00 p.m.

PLACE: By video conference using Zoom in Hearing Room A.

3. Individuals wishing to view the CIM may view it using the webcast for Hearing Room A, available at:

<http://www.dora.state.co.us/pacific/Webcasts/a.html>

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 8, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners