

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 APPROVING
THIRD-PARTY VENDOR**

Mailed Date: June 15, 2023

Adopted Date: June 14, 2023

I. BY THE COMMISSION

A. Statement

1. On May 22, 2023, the Colorado Energy Office (CEO) filed a Notice for Approval of Vendor Pursuant to Rules 3412(k) and 4412(k) (CEO's Filing). CEO requests that the Commission: (1) approve GDS Associates to serve as the third-party vendor for the triennial evaluation of utility low-income energy assistance programs; and (2) approve the contract between the third-party vendor and CEO.

2. We grant CEO's requests and approve GDS Associates to serve as third-party vendor and approve the third-party vendor contract.

B. Findings and Conclusions

3. Adopted in their current form in 2017, Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-3-3412(k) Rules Regulating Electric Utilities and 4 CCR 723-4-4412(k) Rules Regulating Gas Utilities and Pipeline Operators require a triennial evaluation of qualifying

retail utilities' low-income 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.

4. Under Rules 3412(k) and 4412(k), CEO works with stakeholders to procure the third-party vendor: "Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders . . . in the design of the requirements regarding study focus and final reporting." Rule 3412(k)(I), Rule 4412(k)(I).

5. 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." Rule 3412(k)(II), Rule 4412(k)(II).

6. This is the second triennial evaluation under Rules 3412(k) and 4412(k), with the prior evaluation report being filed within Proceeding No. 20M-0013EG.

7. CEO's Filing includes the unsigned third-party vendor contract as Attachment CEO-1. Under Rule 3412(k)(II) and Rule 4412(k)(II), the Commission must review and act on CEO's request by June 21, 2023.

8. On May 31, 2023, the Commission issued Decision No. C23-0368-I, setting a five-day notice and intervention period in this matter that ran through June 5, 2023. No interventions were filed, and the time for doing so has expired.

9. CEO's Filing demonstrates that CEO conferred with stakeholders both to select a third-party vendor and to develop the third-party vendor contract. The filing further describes its engagement with interested stakeholders and with the Commission to establish a statement of work and third-party vendor contract, and select a third-party vendor. In addition to working directly with Staff to draft the statement of work, CEO sought input from the Commission during a Commissioners' Information Meeting on February 22, 2023, and filed the statement of work in Proceeding No. 23M-0013EG for informational purposes. CEO issued a solicitation for a third-party vendor which was reviewed by a selection committee including representatives from CEO and Staff. On April 25, 2023, the selection committee selected GDS Associates to serve as the third-party vendor.

10. CEO's Filing recounts numerous reasons for selecting GDS Associates, including that its response provided a detailed approach to completing the scope of work; it has previous utility energy program experience and organizational experience regarding surveys and focus groups looking at the needs of low-income customers; its pricing was fair and reasonable; and its quote overall met the intent of the solicitation. CEO also states that it has notified GDS Associates of its selection contingent upon Commission approval.

11. CEO's Filing states that the following stakeholders either support or do not oppose its request: Staff; Public Service Company of Colorado; Black Hills Colorado Electric, LLC; Black Hills Colorado Gas, Inc.; Atmos Energy Corporation; Colorado Natural Gas, Inc.; the Utility Consumer Advocate; Energy Outreach Colorado; and the Low-Income Energy Assistance Program. Moreover, no other entity has requested to intervene in this matter, and the time for doing so has passed.

12. We find good cause to approve CEO's selection of GDS Associates as the third-party vendor and to approve the associated third-party vendor contract. The vendor selection and associated contract are appropriate and consistent with Commission rules governing the triennial review of electric and gas utilities' PIPP programs.

II. ORDER

A. It Is Ordered That:

1. In accordance with the Notice for Approval of Vendor Pursuant to Rules 3412(k) and 4412(k) filed by the Colorado Energy Office (CEO) on May 22, 2023, the selection of GDS Associates to serve as the third-party vendor for the triennial evaluation of utility percentage of income payment plan programs is approved and the associated contract between GDS Associates and CEO is approved, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 14, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER MEGAN M. GILMAN
ABSENT