

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22V-0517EG

IN THE MATTER OF THE JOINT PETITION OF ATMOS ENERGY CORPORATION, BLACK HILLS COLORADO ELECTRIC, LLC AND BLACK HILLS COLORADO GAS, INC. COLORADO NATURAL GAS, INC. ENERGY OUTREACH COLORADO AND PUBLIC SERVICE OF COMPANY OF COLORADO, FOR PARTIAL VARIANCE FROM RULE 1105 REGARDING THE DISCLOSURE OF PERSONAL INFORMATION TO SUPPORT IMPLEMENTATION OF THE LOW-INCOME ENERGY ASSISTANCE PROGRAM.

**COMMISSION DECISION GRANTING UNOPPOSED
MOTION FOR EXTENSION OF TEMPORARY WAIVER**

Mailed Date: June 23, 2023

Adopted Date: June 21, 2023

I. BY THE COMMISSION

A. Statement

1. On November 17, 2022, Atmos Energy Corporation, Black Hills Colorado Electric, LLC, Black Hills Colorado Gas, Inc., Colorado Natural Gas, Inc, Energy Outreach Colorado (EOC), and Public Service Company of Colorado (collectively, Joint Petitioners), filed a petition seeking partial variance from Rule 1105, 4 *Code of Colorado Regulations* (CCR) 723-1, to allow the disclosure of certain customer account numbers to EOC to support EOC's administration of the Colorado Low-Income Energy Assistance Program (LEAP) pursuant to §§ 40-8.7-101 through 111, C.R.S.

2. Considering the amended intervention filed by Staff of the Colorado Public Utilities Commission (Staff) in this Proceeding, and balancing the needs of continued donation

processes and concerns raised, through Decision No. C23-0043, issued January 20, 2023, we granted limited waiver of Commission rules for the current winter heating season for donations provided through March 31, 2023.

3. Specifically, within our decision we permitted the provision of account numbers to EOC for customers that opt in to donating to LEAP, in addition to customer name, address, and donation amount information permitted to be provided through Rules 3411, 4 *Code of Colorado Regulations* (CCR) 723-3, and 4411, 4 CCR 723-4. We further directed the filing utilities and Staff to confer and, as appropriate, update customer notice language on customer opt in and donation information, consistent with current rule requirements. We further directed Staff to confer with the Joint Petitioners regarding EOC's practices and any potential rule changes to Rules 3411 and 4411, in addition to discussing any other process updates that may or may not require a rule update. If, after conferral, EOC or any of the Joint Petitioners continued to believe rule updates or other action is necessary to continue facilitation of LEAP donation processing, parties were permitted to make an appropriate pleading with any proposed rule language,¹ as necessary, for Commission consideration. Future filings, if any, were required to include discussion of the outcome of conferral, including whether Staff continues to oppose any process or rule updates.

4. On June 13, 2023, Staff filed its Unopposed Motion for Extension of Temporary Waiver (Motion), requesting the Commission continue the temporary waiver granted in Decision No. C23-0043 through June 30, 2023.

¹ For example, and in compliance with Commission Rules, parties could jointly provide a petition for rulemaking seeking select changes to the rules at issue to be considered through separate process.

5. Staff states that in the months since the Commission's decision, Staff has been in communication with the parties to determine whether the proposed extended variance is reasonable and in the public interest. Staff states that the parties have made progress towards an acceptable solution, but that they have not been able to finalize any proposed agreements. Staff represents that the parties will finalize proposed next steps by the end of June 2023. In light of the progress made, and balancing EOC's need to continue sharing information, Staff therefore requests an extension of the requested waiver through the end of June.

6. We find good cause to permit the continued extension as requested. The requested waiver granted *nunc pro tunc*, in part, through Decision No. C23-0043 is extended through June 30, 2023.

II. ORDER

A. The Commission Orders That:

1. The Unopposed Motion for Extension of Temporary Waiver filed by Staff of the Colorado Public Utilities Commission on June 13, 2023, is granted *nunc pro tunc*, and waiver is extended through June 30, 2023.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 21, 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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MEGAN M. GILMAN

TOM PLANT

Commissioners