

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0347E

IN THE MATTER OF ADVICE LETTER NO. 831 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY FOR APPROVAL TO RECOVER COSTS ASSOCIATED WITH JOINING THE WESTERN ENERGY IMBALANCE SERVICES MARKET OPERATED BY THE SOUTHWEST POWER POOL AND TO CREDIT SPP WEIS MARKET SALE REVENUES TO CUSTOMERS THROUGH THE ELECTRIC COST ADJUSTMENT TARIFF, TO BECOME EFFECTIVE SEPTEMBER 2, 2022.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
CONVERTING JANUARY 12, 2023 HEARING
TO FULLY REMOTE HEARING**

Mailed Date: January 10, 2023

I. STATEMENT, SUMMARY, AND BACKGROUND

A. Summary

1. This Decision converts the January 12, 2023 evidentiary hearing to a fully remote hearing, consistent with the parties' preference.

B. Procedural History¹

2. On August 2, 2022, Black Hills Colorado Electric, LLC's, doing business as Black Hills Energy (Black Hills) filed the above-captioned Advice Letter with tariff sheets and written testimony in support thereof. On August 22, 2022, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.²

¹ Only the procedural history necessary to understand this Decision is included.

² Decision Nos. C22-0492-I at 3 (mailed August 22, 2022) and C22-0492-E (mailed August 23, 2022).

3. In addition to Black Hills, the following entities are parties to this Proceeding: the Office of the Utility Consumer Advocate, Colorado Public Utilities Commission Trial Staff, and the Colorado Energy Office.³

4. This matter is scheduled for a one-day evidentiary hearing on January 12, 2023 on whether to approve the parties' Unanimous Comprehensive Settlement Agreement, filed on December 1, 2022.⁴ The January 12, 2023 hearing is scheduled to accommodate remote participation for one witness, and for all other parties to appear in person.⁵ To accommodate remote participation, the ALJ required the parties to present evidence electronically during the hearing (among other requirements).⁶

5. On January 9, 2023, Black Hills filed a Notice of Required Filings (Notice).

II. FINDINGS AND CONCLUSIONS

6. In its Notice, Black Hills states that the parties prefer for the January 12, 2023 hearing to be fully remote.⁷ Given that all parties agree that the hearing should be fully remote, and the closely approaching hearing, the ALJ finds good cause to waive the response time to the Notice and does so.⁸

7. The ALJ defers to the parties' preference on the manner in which the hearing should be held. The ALJ finds that no party will be prejudiced by converting the hearing to a fully remote

³ Decision No. R22-0611-I at 7 (mailed October 10, 2022) (Decision No. R22-0611-I).

⁴ Decision No. R22-0744-I (mailed November 18, 2022).

⁵ Decision No. R22-0611-I at 7.

⁶ Decision No. R22-0611-I at 5 and 7; *see* Attachments A and B to Decision No. R22-0611-I.

⁷ Notice at 1. This statement is presumably in response to an informal communication from the ALJ offering the option for the hearing to be fully remote.

⁸ *See* Rules 1308(c) and 1400(b) of the Commission's Rules of Practice and Procedure, *Code of Colorado Regulations* (CCR) 723-1.

hearing given that the parties have already prepared to present evidence electronically. As such, the ALJ converts the January 12, 2023 hearing to a fully remote hearing.

8. Attachments A and B to Decision No. R22-0611-I continue to apply and will facilitate the remote hearing.

9. The parties and counsel have been provided with the Zoom information to join the hearing. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the parties continue to be prohibited from distributing that information to anyone not participating in the hearing.⁹ Counsel is responsible for ensuring that those participating remotely receive the Zoom information needed to join the hearing.

III. ORDER

A. It Is Ordered That:

1. The response time to Black Hills Colorado Electric, LLC's, doing business as Black Hills Energy, Notice of Required Filings filed January 9, 2023 is waived, consistent with the above discussion.

2. The evidentiary hearing scheduled for January 12, 2023 at 9:00 a.m. is converted to a fully remote hearing. All parties, witnesses and counsel will appear at the January 12, 2023 hearing remotely via Zoom.

3. Counsel is responsible for sharing the Zoom information with all those participating in the hearing and all participants in the hearing are prohibited from sharing the Zoom information with anyone not participating in the hearing.

⁹ Approximately one week before the hearing, counsel will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this proceeding. Counsel must ensure that the Commission has their most current email address.

4. Non-participants in the evidentiary hearing may observe the hearing live through the Commission's webcast for the Hearing Room assigned for the hearing, which may be accessed at this link: <https://puc.colorado.gov/puccalendar>.

5. All parties must comply with the requirements in Attachments A and B to Decision No. R22-0611-I (mailed October 10, 2022), which are incorporated into this Decision.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in black ink, appearing to read 'G. Harris Adams'.

G. Harris Adams,
Interim Director