

Decision No. C24-0111

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0315EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS COMBINED ELECTRIC AND NATURAL GAS DEMAND-SIDE MANAGEMENT AND BENEFICIAL ELECTRIFICATION PLAN FOR CALENDAR YEAR 2023.

**COMMISSION DECISION SHORTENING RESPONSE
TIME TO MOTION FOR CLARIFICATION**

Mailed Date: February 21, 2024

Adopted Date: February 21, 2024

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. By this Decision, the Commission establishes a shortened response time of **12:00 p.m. on February 26, 2024**, for any responses to the Motion for Clarification of Decision No. C23-0381 (Motion), filed on February 15, 2024, by Iconergy, LTD (Iconergy).

2. In the Motion, Iconergy requests that the Commission clarify certain language in ¶ 78 of Decision No. C23-0381, issued June 8, 2023, in this Proceeding. Specifically, Iconergy requests clarification of the language stating: “We also require that Public Service afford bidders a mechanism to appeal the Company’s determination as to their qualifications to the Commission or its staff.”

3. Through Decision No. C23-0381, the Commission addressed the Application for Approval of its 2023 Electric and Natural Gas Demand-Side Management and Beneficial Electrification Plan, filed by Public Service Company of Colorado (Public Service or the

Company) on July 1, 2022. The Commission found the Comprehensive Settlement Agreement, filed among Public Service and all of the other parties, except for Iconergy, was in the public interest and should be approved without modification. In addition, the Commission issued certain additional directives to Public Service to increase competition for demand side management services. The quoted language in ¶ 78 that is subject to Iconergy's Motion was among those directives.

4. In the Motion, Iconergy states that it responded to Public Service's most recent Request for Proposals for its Strategic Energy Management (SEM) program but was found not to be qualified. Iconergy states that it believes it possesses the qualifications to participate and thus intends to appeal the Company's decision. Iconergy states it is not clear from the decision language what the appeals process entails. Iconergy states there is some urgency to its request, given that its current clients wish to undertake SEM projects and receive rebates. Iconergy states, because its Motion seeks clarification of a Commission decision, it requests the Commission waive response time. Iconergy states that it conferred with Public Service, and it reserves its right to respond to the Motion.

5. Considering that our directive was for Public Service to afford bidders a mechanism to appeal the Company's determination as to their qualifications to the Commission or its staff, we find it warranted to afford opportunity for a response by the Company to the Motion. Balancing this with Iconergy's request for a timely resolution of this dispute, we find good cause to allow a response time but will shorten the period to 12:00 p.m. on February 26, 2024. After considering any responses, and depending on the substance, we will take up the matter at a subsequent Commissioners' Weekly Meeting.

II. ORDER

A. It Is Ordered That:

1. Response time to the Motion for Clarification of Decision No. C23-0381, filed on February 15, 2024, by Iconergy, LTD is shortened to **12:00 p.m. on February 26, 2024.**

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 21, 2024.**

(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

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Commissioners