

Decision No. R24-0010-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0357E

IN THE MATTER OF THE APPLICATION OF BLACK HILLS COLORADO ELECTRIC,
LLC FOR APPROVAL OF ITS DISTRIBUTION SYSTEM PLAN.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
GRANTING, IN PART, MOTION TO VACATE HEARING AND
MODIFY PROCEDURES AND VACATING EVIDENTIARY HEARING
AND REQUIREMENTS PERTAINING TO THE FILING
OF STATEMENTS OF POSITION**

Mailed Date: January 5, 2024

I. STATEMENT

A. Background

1. On June 30, 2023, Black Hills Colorado Electric, LLC (Black Hills or Applicant) filed its Application for Approval of its Distribution System Plan (Application) and Motion for Waivers from Commission Rules Associated with its Distribution System Plan (Motion for Waivers). These filings commenced this Proceeding.

2. On July 7, 2023, the Commission issued noticed the Application and set a 30-day intervention period (Notice).

3. On July 31, 2023, Pivot Energy's Motion for Permissive Intervention (Pivot's Motion to Intervene) was filed by Pivot Energy, Inc. (Pivot).

4. On August 11, 2023, UCA's Motion for Late Intervention (UCA's Motion to Intervene) was filed by the Office of Utility Consumer Advocate (UCA).

5. On August 14, 2023, the Trial Staff of the commission (Staff) filed its Notice of Intervention as of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing (Staff's Notice Intervention).

6. By Decision No. C23-0541-I, issued August 15, 2023, the Commission deemed the Application complete and referred this matter to an Administrative Law Judge (ALJ).

7. By Decision No. R23-0567-I, issued August 23, 2023, the undersigned ALJ, among other things, acknowledged Staff's intervention, granted Pivot's and UCA's interventions, and established a deadline for parties to respond to any pending motions.

8. By Decision No. R24-0010-I, issued September 5, 2023, the ALJ, among other things, established procedures and scheduled an evidentiary hearing in this matter for January 8-9, 2024. Per Decision No. R23-0584-I, the due date for the filing of Settlement Testimony is March 3, 2024, and the due date for the filing of the parties' respective statements of position is February 6, 2024.

9. On December 11, 2023, Black Hills filed its Motion to Approve Unanimous Settlement Agreement, Modify Procedural Schedule, and Waive Response Time (Motion to Approve Settlement and Modify Procedural Schedule). To the Motion to Approve Settlement and Modify Procedural Schedule, Black Hills attached an executed copy of the parties' Unanimous Settlement Agreement (Settlement Agreement). In the Motion to Approve Settlement and Modify Procedural Schedule, Black Hills: states that all parties to this Proceeding support the grant of the Motion to Approve Settlement and Modify Procedural Schedule; request that the hearing scheduled for January 8-9, 2024 and any requirements pertaining to the parties' submission of a statement of position be vacated; request that the Commission approve the

Settlement Agreement; and request that response time to the Motion to Approve Settlement and Modify Procedural Schedule be waived.

10. On January 3, 2024, Black Hills filed the Settlement Testimony of Dan Ahrens (Settlement Testimony) in support of the Settlement Agreement.

B. Evidentiary Hearing and Statements of Position

11. Given the filings of the Motion to Approve Settlement and Modify Procedural Schedule, the Settlement Agreement, and the Settlement Testimony, the ALJ finds and concludes that it is unnecessary to hold the evidentiary hearing scheduled for January 8-9, 2024, or maintain any requirements with respect to the parties' submission of a statement of position. Therefore, the hearing scheduled for January 8-9, 2024, and any requirements pertaining to the parties' submission of a statement of position, will be vacated, as ordered below.

C. Request to Approve Settlement Agreement

12. The Request to approve settlement agreement will be addressed by a separate decision.

D. Waiver of Response Time

13. Because response time to the Motion to Approve Settlement and Modify Procedural Schedule has passed, and because all parties support the grant of the Motion to Approve Settlement and Modify Procedural Schedule, the request to waive response time to the same will be denied as moot, as ordered below.

II. ORDER

A. It Is Ordered That:

1. The Motion to Approve Unanimous Settlement Agreement, Modify Procedural Schedule, and Waive Response Time (Motion to Approve Settlement and Modify Procedural

Schedule), filed by Black Hills Colorado Electric, LLC (Black Hills) on December 11, 2023, is granted, in part, consistent with the discussion above.

2. The hearing scheduled for January 8-9, 2024, is vacated.
3. Any requirements pertaining to the parties' submission of a statement of position are vacated.
4. Black Hills' request to waive response time to the Motion to Approve Settlement and Modify Procedural Schedule is denied as moot.
5. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

Rebecca E. White,
Director