

Decision No. C14-0617-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0414E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF THE STIPULATION AND AGREEMENT WITH THE SOLAR ENERGY INDUSTRIES ASSOCIATION AND THE COLORADO SOLAR ENERGIES INDUSTRIES ASSOCIATION.

**INTERIM DECISION ADDRESSING REQUESTS FOR
INTERVENTION AND ESTABLISHING PROCEDURES**

Mailed Date: June 6, 2014
Adopted Date: June 5, 2014

I. BY THE COMMISSION

A. Statement

1. On May 5, 2014, Public Service Company of Colorado (Public Service or Company) filed an application seeking approval of a settlement it reached with the Solar Energy Industry Association (SEIA) and the Colorado Solar Energy Industry Association (CoSEIA) concerning the reopening of the Medium Solar*Rewards Program and an extension of the Small Solar*Rewards Program pending the issuance of the Commission's final decision on Public Service's 2014 Renewable Energy Standard Compliance Plan (RES Plan) in Proceeding No. 13A-0836E.

2. On that same day, the Company also filed a Motion of Public Service Company of Colorado for Shortened Notice and for Expedited Consideration and Decision.

3. By Decision No. C14-0483-I, issued on May 7, 2014, the Commission shortened the Notice and Intervention Period to May 16, 2014.

4. SEIA; Western Resource Advocates; and Wal-Mart Stores, Inc. and Sam's West, Inc. timely filed requests for permissive intervention, but did not request a hearing. CoSEIA filed a Motion to Allow Late Intervention on May 19, 2014.

5. On May 16, 2014, the Colorado Office of Consumer Counsel (OCC) timely filed an intervention as of right and requested a hearing in this matter.

6. We find good cause to grant the unopposed requests for permissive intervention and take note of the OCC's intervention. Procedures

7. The OCC urges the Commission to conduct a fully litigated proceeding and hold an evidentiary hearing in this matter.¹ The OCC argues that the Settlement is not reasonable, raising several issues in regards to the Settlement including: (1) acquisition levels for solar; (2) incentive levels; and, (3) the reasonableness of the cost. The OCC also expresses concern about the impact of the settlement on at least a portion of its position in the 2014 RES Plan proceeding, which is pending before an Administrative Law Judge.²

8. Public Service and the settling parties request expedited consideration of this matter. Public Service notes the Medium Solar*Rewards program has been closed since October 2013. In addition, the Company expresses a concern that the Small Solar*Rewards Program, which has continued operating by using 33 MW of capacity approved in a previous settlement,³ will also close before the 2014 RES Compliance Plan is approved.

9. We balance the OCC's ability to be heard with the policy reasons to rule as soon as practical to avoid rendering the settlement moot. Further, continuity of solar programs is an

¹ The OCC's response to Public Service's motion for expedited consideration, filed May 16, 2014, p. 4.

² Proceeding No. 13A-0836E.

³ Decision No. C13-0703, Proceeding No. 13A-0527E issued June 18, 2013.

important public policy consideration. Finally, the settlement will be in effect for only a few months. Therefore, we will conduct limited proceedings to account for the circumstances of this case through the filing of briefs on the reasonableness and merits of the settlement. The parties may incorporate their statements of position from the 2014 RES Plan proceeding, which are due on June 6, 2014 and may address any relationship between the settlement and the OCC's position in the 2014 RES Plan. These briefs are due on or before **June 12, 2014**.

II. ORDER

A. **It Is Ordered That:**

1. The Application of Public Service Company of Colorado for Approval of the Stipulation and Agreement with the Solar Energy Industries Association and the Colorado Solar Energy Industries Association filed on May 5, 2014, is deemed complete.

2. The Petition to Intervene of the Solar Energy Industries Association filed on May 13, 2014, is granted.

3. The Petition for Leave to Intervene of the Western Resource Advocates filed on May 16, 2014, is granted.

4. The Motion to Intervene of Wal-Mart Stores, Inc. and Sam's West, Inc. filed on May 16, 2014, is granted.

5. The Motion to Allow Late Intervention filed by the Colorado Solar Energy Industries Association filed on May 19, 2014, is granted.

6. The briefs addressing the merits of the settlement are due no later than Thursday, June 12, 2014.

7. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 5, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners