

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 19AL-0521E

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IN THE MATTER OF ADVICE LETTER NO. 777 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC TO INCREASE THE DEMAND SIDE MANAGEMENT COST ADJUSTMENT (DSMCA) TO BECOME EFFECTIVE JANUARY 1, 2020.

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**INTERIM DECISION GRANTING MOTION FOR  
ALTERNATIVE FORM OF NOTICE**

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Mailed Date: October 2, 2019

Adopted Date: October 2, 2019

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

1. On September 26, 2019, Black Hills Colorado Electric, LLC (Black Hills or Company) filed a Motion for Approval of Alternative Form of Notice (Motion) that will apply to Advice Letter No. 777-Electric. Through Advice Letter No. 777-Electric, Black Hills seeks to amend its Demand Side Management Cost Adjustment (DSMCA) calculation inputs, on Tariff Sheet No. 71, in the Rates section of its Colo. P.U.C. No. 10-Electric Tariff. Black Hills states that the proposed tariff amendments would increase the DSMCA rate from 1.77 percent to 1.82 percent, beginning January 1, 2020.

2. By its Motion, the Company seeks authorization to use the following alternative forms of notice:

(a) filing with the Commission, and keeping open for inspection, Advice Letter No. 777-Electric;

(b) posting the Customer Notice (attached to the Motion as Attachment 1) and Advice Letter No. 777-Electric and its accompanying tariff sheet to the Company's website for 90 days beginning at the time of filing of Advice Letter No. 777-Electric;

(c) printing a message on each applicable customer's bill providing information regarding the rate change, beginning within one week after the filing of Advice Letter No. 777-Electric;<sup>1</sup> and

(d) publishing a legal notice of Advice Letter No. 777-Electric in three newspapers of general circulation for the service territory.

3. Black Hills states that the available alternative forms of notice allowable pursuant to § 40-3-104(1)(c)(I), C.R.S., as changed through Senate Bill 19-236, either involve unwarranted "time and materials" expenses, or conflict with the Company's billing cycles. In addition, the Company states that at this time, a vast number of the Company's customers are not enrolled to receive alerts via email or text, which is also permitted by the statute. Therefore, in order to inform its customers regarding the rate change, the Company requests that it be permitted to use the forms of notice described above.

4. Black Hills asserts that good cause exists for the alternative form of notice. The Company states that the bill message does not conflict with its billing cycle, and it provides visibility to the customer because it is presented on the first page of the bill. Further, the Company contends the newspaper publication will provide accessible and timely notice across the Company's entire service territory.

5. We find the alternative form of notice proposed by the Company is reasonable with respect to the Company's stakeholders and its general body of electric ratepayers. We therefore find good cause to grant the alternative form of notice as requested by the Company.

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<sup>1</sup> The Commission notes inconsistencies in the Company's description of bill messages, while recognizing that all bill message versions presented by the Company would inform customers of the rate change. At ¶ 3b, the Motion states the bill messages will provide "the website URL for the Customer Notice and Advice Letter No. 777-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance." However, in the full text of the bill messages provided in ¶ 3, two of the three bill messages do not include a toll-free number. Additionally, in the Affidavit of Publication of Additional Notice filed by Black Hills on September 26, 2019, the bill message text for the Small Commercial customer class does not include the website URL. The Commission encourages avoidance of similar inconsistencies in future filings.

**II. ORDER**

**A. It Is Ordered That:**

1. The Motion for Approval of Alternative Form of Notice filed on September 26, 2019, by Black Hills Colorado Electric, LLC requesting approval of an alternative form of notice to apply to its Advice Letter No. 777-Electric, is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
October 2, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

FRANCES A. KONCILJA

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JOHN GAVAN

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Commissioners

CHAIRMAN JEFFREY P. ACKERMANN  
ABSENT.