

Decision No. C19-1039-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0730G

IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO GAS, INC. FOR A COMMISSION DECISION APPROVING INTERIM GAS DEMAND SIDE MANAGEMENT COST ADJUSTMENTS TO TAKE EFFECT ON JANUARY 15, 2020, MOTION FOR ONE-TIME PARTIAL VARIANCE FROM COMMISSION RULE 4752(D), AND REQUEST FOR SHORTENED NOTICE AND INTERVENTION PERIOD.

**INTERIM DECISION GRANTING REQUEST
FOR SHORTENED NOTICE AND
INTERVENTION PERIOD AND GRANTING MOTION
FOR ALTERNATIVE FORM OF NOTICE**

Mailed Date: December 27, 2019

Adopted Date: December 27, 2019

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. On December 20, 2019, Black Hills Colorado Gas, Inc. (successor in interest to Black Hills/Colorado Gas Utility Company, Inc. and Black Hills Gas Distribution, LLC) (BH Colorado Gas or Company) filed an Application for a Commission Decision Approving Interim Gas Demand Side Management Cost Adjustments to take effect on January 15, 2020, and Motion for One-Time Partial Variance from Commission Rule 4752(d) (Application). Within the Application, BH Colorado Gas requests a shortened notice and intervention period of seven days, given the proposed effective date of the Gas Demand Side Management Cost Adjustment (G-DSMCA) of January 15, 2020.

2. On the same day, BH Colorado Gas filed a separate Motion for Approval of Alternative Form of Notice (Motion) that will apply to the tariff changes in the G-DSMCA for the Colorado P.U.C. No. 3 tariffs that the Company seeks to implement pursuant to the Application.

3. This Decision grants the Company's Motion for Approval of Alternative Form of Notice and its request for a shortened notice and intervention period for the Application. Requests for intervention, including any request by Staff of the Colorado Public Utilities Commission (Staff), shall be filed no later than **January 3, 2020**.

B. Discussion

4. On August 21, 2018, in Proceeding No. 18A-0583G, BH Colorado Gas, Black Hills/Colorado Gas Utility Company, Inc., and Black Hills Gas Distribution, LLC, sought approval of internal transfers to consolidate Black Hills/Colorado Gas Utility Company, Inc. and Black Hills Gas Distribution, LLC into BH Colorado Gas. The Commission approved the internal transfers by Decision No. C18-0934, issued October 23, 2018. Following approval of the internal transfers, the Commission granted an interim G-DSMCA filing intended to simplify jurisdiction over the Company's gas utility operations in Colorado and reduce deferred G-DSMCA balances prior to rate consolidation.¹

5. In the Application filed on December 20, 2019, BH Colorado Gas seeks approval to reduce the deferred G-DSMCA balance of Black Hills/Colorado Gas Utility Company, Inc. or to continue to "work off" existing deferred balances. The Company states that this change will decrease bills for residential and non-residential customers.

¹ Proceeding No. 18A-0917G, Decision No. C19-0144, issued February 6, 2019.

6. BH Colorado Gas states in the Application that if the requested relief is granted by the Commission, Black Hills will file approved tariffs on not less than two business days' notice for the tariffs to take effect on January 15, 2020. In light of that proposal, BH Colorado Gas requests a shortened notice and intervention period for the Application of seven days.

7. In the Motion also filed on December 20, 2019, BH Colorado Gas requests an alternative form of notice to apply to tariff changes in the G-DSMCA for the Colorado P.U.C. No. 3 tariffs that the Company seeks to implement pursuant to the Application.

8. By its Motion, BH Colorado Gas seeks authorization to use the following alternative forms of notice:

(a) filing with the Commission, and keeping open for inspection, the Application;

(b) posting on its website for 60 days within 1 week of filing the Application: (1) the Application and its accompanying schedules and (2) the Customer Notice attached to the Motion and Application as Schedule 8;

(c) printing a message on each applicable customer's bill providing the website URL for the Customer Notice and the Application and its accompanying schedules, and a toll-free phone number for assistance, beginning within one week after filing the Application; and

(d) publishing the Customer Notice in *The Denver Post* on one occasion, within seven days of the date of the Motion.

9. BH Colorado Gas believes that through the proposed notice forms, it will be able to reach all customers in the service territory in an affordable and efficient manner. The Company states that the additional notice methods prescribed by § 40-3-104(1)(c)(I), C.R.S., either involve unwarranted "time and materials" expenses, or they conflict with the Company's billing cycles. Additionally, to explain why it is not providing notice through email or text message, BH Colorado Gas states that a vast number of the Company's customers are not enrolled to receive alerts via email or text.

10. BH Colorado Gas asserts that good cause exists for the alternative form of notice. The Company states that the bill message will provide visibility to the customer because it is presented on the first page of the bill, that the toll-free phone number in bill messages will give customers a second option to learn more about the amended tariff if they cannot access the internet, and that the newspaper publication will provide notice to customers throughout its service territory.

C. Conclusion and Findings

11. The Application is available for public inspection at the Commission office located at 1560 Broadway, Suite 250, Denver, Colorado, 80202, between 8:00 a.m. and 5:00 p.m., excluding weekends and state holidays. **This Decision is the notice that an Application for a Commission Decision Approving an Interim Gas Demand Side Management Cost Adjustment to Take Effect on January 15, 2020, and a Motion for One-Time Partial Variance from Commission Rule 4752(d) has been filed.**

12. The Commission finds good cause to grant BH Colorado Gas' request for a shortened Commission notice and intervention period. Requests for intervention, including a notice of intervention by right of Staff, shall be filed no later than **January 3, 2020**.

13. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 *Code of Colorado Regulations* 723-1-1207(b) of the Commission's Rules of Practice and Procedure, a utility may request to provide an alternative form of notice of proposed tariff changes. We find the alternative form of notice proposed by the Company in its Motion is reasonable with respect to the Company's stakeholders and its general body of gas ratepayers. We therefore find good cause to grant the alternative form of notice as requested by the Company.

II. ORDER

A. It Is Ordered That:

1. The request of Black Hills Colorado Gas, Inc. to shorten the notice and intervention period for the Application for a Commission Decision Approving an Interim Gas Demand Side Management Cost Adjustment to Take Effect on January 15, 2020 and the Motion for One-Time Partial Variance from Commission Rule 4752(d), filed on December 20, 2019, is granted.

2. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Colorado Public Utilities Commission, shall file a petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party, by **January 3, 2020**. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

3. The Motion for Approval of Alternative Form of Notice filed on December 20, 2019, by Black Hills Colorado Gas, Inc. requesting approval of an alternative form of notice to apply to tariff changes in the Gas Demand Side Management Cost Adjustment for the Colorado P.U.C. No. 3 tariffs, is granted.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 27, 2019.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners

CHAIRMAN JEFFREY P. ACKERMANN
ABSENT.