

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

PROCEEDING NO. 20M-0013EG

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IN THE MATTER OF A REPOSITORY PROCEEDING FOR THE FILING OF ELECTRIC AND GAS LOW-INCOME PROGRAM ANNUAL REPORTS PURSUANT TO RULES 4 CCR 723-3-3412 AND 4 CCR 723-4-4412.

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**DECISION APPROVING THIRD-PARTY VENDOR**

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Mailed Date: April 3, 2020  
Adopted Date: April 1, 2020

**I. BY THE COMMISSION**

**A. Statement**

1. On March 4, 2020, the Colorado Energy Office (CEO) filed a Notice for Approval of Vendor Pursuant to Rules 3412(k) and 4412(k) (CEO's Filing). CEO requests that the Commission: (1) approve ADM Associates to serve as the third-party vendor for the triennial evaluation of utility low-income energy assistance programs; and (2) approve the contract between the third-party vendor and CEO.

2. We grant CEO's requests and approve ADM Associates to serve as third-party vendor and approve the third-party vendor contract.

**B. Findings and Conclusions**

3. Adopted in their current form in 2017, Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-3-3412(k) Rules Regulating Electric Utilities and 4 CCR 723-4-4412(k) Rules Regulating Gas Utilities and Pipeline Operators require a triennial evaluation of qualifying retail utilities' low-income programs. Specifically, under Rules 3412(k) and 4412(k), a

third-party vendor is to conduct a triennial evaluation of low-income energy assistance programs operated by qualifying retail utilities.

4. Under Rules 3412(k) and 4412(k), CEO works with stakeholders to procure the third-party vendor: “Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders . . . in the design of the requirements regarding study focus and final reporting.” Rule 3412(k)(I), Rule 4412(k)(I).

5. While the procurement of the third-party vendor is the responsibility of CEO, Rules 3412(k)(II) and 4412(k)(II) establish that such procurement is subject to Commission approval: “Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days.” Rule 3412(k)(II), Rule 4412(k)(II).

6. The Commission’s approval of the third-party vendor will permit the first triennial evaluation of qualifying retail utilities’ low-income programs to commence. Likewise, as CEO’s Filing notes, this is the first instance in which CEO has sought Commission approval of a third-party vendor per Rules 3412(k) and 4412(k). (CEO’s Filing, p. 2).

7. CEO’s Filing includes the third-party vendor contract as Attachment CEO-1. Under Rule 3412(k)(II) and Rule 4412(k)(II), the Commission must review and act on CEO’s requests by April 3, 2020.

8. On March 11, 2020, the Commission issued an Interim Decision setting a five-day notice and intervention period in this matter that ran through March 16, 2020. (Decision No. C20-0161-I). No interventions were filed, and the time for doing so has expired.

9. CEO's Filing demonstrates that CEO conferred with various stakeholders both to select a third-party vendor and to develop the third-party vendor contract. The filing further provides background regarding CEO's Petition for Declaratory Order (Petition) in Proceeding No. 19D-0565EG in which it sought clarification on the triennial evaluation process. By Decision No. C19-0931, issued December 3, 2019, the Commission granted the Petition and confirmed that the process and timeline proposed in CEO's Petition are consistent with Commission rules governing the triennial evaluation.

10. CEO also states in its March 4, 2020 filing that it conferred with Staff of the Colorado Public Utilities Commission (Staff) and the participating utilities. In particular, starting in late 2019, CEO and Staff worked together to draft the third-party vendor contract. Similarly, in January 2020, CEO reached out to the participating utilities and sought feedback on the third-party vendor contract. Finally, in February 2020, CEO and Staff jointly selected ADM Associates to serve as the third-party vendor.

11. CEO recounts the numerous reasons why it and Staff jointly selected ADM Associates to serve as the third-party vendor, as follows:

CEO and Staff determined that ADM Associates provided a very detailed response to the request, which indicates a depth of technical experience. Additionally, [ADM Associates'] proposal provided a robust discussion of data analytics, proposed methodology, and statistically significant samples sizes. ADM Associates' quote's cost was overall lower than that of other proposals, and it was the most responsive to CEO's needs. CEO and Staff determined that ADM Associates' quote best met the intent of the solicitation, and therefore will successfully conduct the evaluation of the utility low-income energy assistance programs.

(CEO's Filing, p. 4).

12. CEO's Filing concludes that Staff; Public Service Company of Colorado; Black Hills Colorado Electric, LLC; Black Hills Colorado Gas, Inc.; Atmos Energy Corporation; and

Colorado Natural Gas, Inc. all approve of the selected third-party vendor and the third-party vendor contract. (CEO's Filing, p. 1). Moreover, no other entity has requested to intervene in this matter, and the time for doing so has passed.

13. We find good cause to approve CEO's selection of ADM Associates as the third-party vendor and to approve the associated third-party vendor contract. The vendor selection and associated contract are appropriate and consistent with Commission rules governing the triennial review of qualifying retail utilities' low-income programs.

## **II. ORDER**

### **A. The Commission Orders That:**

1. In accordance with the Notice for Approval of Third-Party Vendor and Third-Party Vendor Contract Pursuant to Rules 3412(k) and 4412(k) filed by the Colorado Energy Office (CEO) on March 4, 2020, the selection of ADM Associates to serve as the third-party vendor for the triennial evaluation of utility low-income energy assistance programs is approved and the associated contract between ADM Associates and CEO is approved, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 1, 2020.**

( 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

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners