

Decision No. C20-0587

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0312E

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF TEMPORARY WAIVERS FROM ITS ELECTRIC TARIFF DUE TO COVID-19 OUTBREAK.

**COMMISSION DECISION GRANTING
PETITION FOR TEMPORARY WAIVER**

Mailed Date: August 11, 2020
Adopted Date: August 5, 2020

I. BY THE COMMISSION

A. Statement, Findings, Conclusion

1. On July 27, 2020, Public Service Company of Colorado (Public Service or Company), filed a Verified Petition for Extension and Modification of Partial Electric Tariff Waivers and for Expedited Treatment (Petition).

2. On April 6, 2020, Public Service filed a Petition for Temporary Waiver of certain of its Electric Tariff sheets related to late payment charges, installment payment programs, reconnection fees, the Electric Affordability Program (EAP), and meter readings in Proceeding No. 20V-0154E. The April 6, 2020 Petition was granted on April 20, 2020 by Decision No. C20-0265. Public Service now requests an extension of the waiver for certain of its Electric Tariff sheets related to late payment charges, installment payment programs, reconnection fees, and the EAP, but is not seeking renewed waivers of the meter reading provisions.

3. Additionally, Public Service requests that the Commission waive its intervention and notice period set forth in Commission Rule 4 *Code of Colorado Regulations* (CCR)

723-1-1206(d) (Rule 1206(d)) of the Rules of Practice and Procedure and, if the Petition is uncontested or unopposed, that the Commission approve the Petition without a hearing pursuant to Commission Rule 4 CCR 723-1-1403.

4. Governor's Order D 2020 098, dated June 12, 2020, directed the Commission as follows, in pertinent part:

II. A. I direct the PUC to work with all public utilities to waive reconnection fees and suspend accrual of late payment fees for all residential customers and small business consumers.

B. I direct the PUC to work with all public utilities to develop and provide payment assistance programs to aid customers, particularly customers qualified for the Low Income Energy Assistance Program, in the payment of their utility bills, related to the impacts of COVID-19. The PUC will report on the development of the payment assistance programs to DORA and the Office of the Governor.

C. I direct the PUC to work with public utilities to provide guidance on prioritizing payment assistance. Further, the PUC shall collect and monitor relevant data from public utilities on the implementation of Statewide measures undertaken in response to this Executive Order and on a weekly basis report these efforts to the Office of the Governor and post them on PUC's website.

5. Governor's Order D 2020 098. Governor's Order D 2020 098 has since been extended by Governor's Order D 2020 132, dated July 11, 2020, which expires August 10, 2020 unless otherwise extended.¹

6. The impacts of COVID-19 create a unique and urgent set of circumstances affecting the public interest. Therefore, we find good cause to consider the motion expeditiously. In these rare and specific circumstances, a waiver of the Commission's notice and intervention period provided in Rule 1206(d) is appropriate.

¹ Governor's Order D 2020 132 simply states that it is extending Governor's Order D 2020 098.

7. The portions of its Electric Tariff that Public Service has identified would require the Company to assess certain fees and impose certain conditions, which are contrary to the public interest given the directives in the Governor's July 11, 2020, order. The specific portions for which a waiver is sought are attached to this Decision as Appendix A.

8. Considering the Petition and directives in the Governor's July 11, 2020, order, we find good cause to grant a waiver of the tariff provisions. We find good cause to grant the Petition *nunc pro tunc* from August 1, 2020, so that there is no gap with the grant of the prior waiver.

9. This waiver seeks an end date of "through August 10, 2020 ("Second Waiver Period"); and if Governor Polis' Order D 2020 132 is extended beyond August 10, 2020, extend the waivers reflected on Appendix A through expiration of any such extension (the "Extended Waiver Period"), but only for customers (*i.e.*, residential and/or small business consumers) and topics covered by the extended executive order ("Limited Extended Waivers)." To provide certainty of potential duration of the instant waivers, we will grant the waiver through the expiration of any such extension of executive orders or January 31, 2021, whichever comes first. This provides a definite end date for the requested waiver. Extension of the requested waiver may at that time be requested as appropriate given the unprecedented developments surrounding COVID-19.

II. **ORDER**

A. **The Commission Orders That:**

1. The Petition filed by Public Service Company of Colorado (Public Service) on July 27, 2020 for a Waiver of Public Service's Electric Tariff Sheets is granted, consistent with the

discussion above, *nunc pro tunc*, from August 1, 2020, through the earlier of the expiration of the directives of the Governor’s Orders or January 31, 2021. The specific waivers granted are attached to this Decision as Appendix A.

2. Public Service’s request filed within the Petition that the Commission waive its intervention and notice period set forth in Commission Rule 4 *Code of Colorado Regulations* 723-1-1206(d) is granted.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 5, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners