Decision No. C20-0628

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19R-0608E

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES REGULATING ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3, RELATING TO COMMUNITY SOLAR GARDENS.

DECISION GRANTING, IN PART, AND DENYING, IN PART, APPLICATIONS FOR REHEARING, REARGUMENT, OR RECONSIDERATION

Mailed Date: August 28, 2020
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I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission addresses the Applications for Rehearing, Reargument, or Reconsideration of Decision No. C20-0482 (RRR) filed pursuant to § 40-6-114, C.R.S., on July 29, 2020, by rulemaking participants Public Service Company of Colorado (Public Service); Western Resource Advocates (WRA); and the Colorado Solar and Storage Association and the Solar Energy Industry Association (COSSA/SEIA).

2. The RRRs request the Commission reconsider or clarify certain aspects of Decision No. C20-0482, issued in this rulemaking proceeding on July 9, 2020. Through Decision No. C20-0482, the Commission addressed exceptions filed by several rulemaking participants to Recommended Decision No. R20-0209, issued by Administrative Law Judge (ALJ) Robert Garvey in this rulemaking on April 6, 2020. By Decision No. C20-0482, the Commission granted, in part, and denied, in part, the exceptions to the ALJ's recommended decision and adopted revised rules governing Community Solar Gardens (CSG Rules) to implement § 40-2-127, C.R.S. The adopted revised CSG Rules are located within the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3, at 4 CCR 723-3-3875 *et seq*.

3. By this Decision, the Commission grants, in part, and denies, in part, the RRRs filed by Public Service and WRA, and denies the RRR filed by COSSA/SEIA. The final adopted

CSG Rules are attached to this Decision in legislative format (*i.e.*, strikeout/underline) as Attachment A, and in final format as Attachment B.

B. Applications for RRR

1. Public Service

a. Rule 3882(c)

4. In its RRR, Public Service requests the Commission reconsider the language in Rule 3882(c). This rule states the utility shall enter into contracts with CSG owners in accordance with the competitive solicitations and standard offers identified in the utility's CSG acquisition plan. The rule requires the CSG owner to state in its proposed contract with the utility whether the renewable energy credits (RECs) will be retained by the CSG subscribers or transferred to the utility.

5. Public Service requests the Commission incorporate into this rule additional language similar to the language in Rule 3882(a)(III)(A) that states: "The standard offer may be at a differing price that would enable the CSG subscribers to keep the RECs generated by the CSG."[1] Public Service states that incorporating this language into Rule 3882(c) is needed to ensure equitable treatment for both standard offer and competitive solicitation CSG subscribers.

b. Findings and Conclusions

6. The Commission grants, in part, and denies, in part, Public Service's RRR. We agree that incorporating the additional language in Rule 3882(c) is an appropriate clarification of the Commission's intent that, where RECs are retained by a CSG subscriber, the utility may find it appropriate to adjust the compensation to CSG subscribers to accommodate such an

[1] Public Service RRR at p. 2.

arrangement. This clarification ensures if this option is offered to subscribers through a competitive solicitation project, the same consideration applies.

7. We adopt Public Service's additional rule language with the modification that we use the term "compensation" instead of "price." We find the term "compensation" is appropriate here as it refers to the CSG subscriber benefits via the bill credit. We therefore adopt new rule language in Rule 3882(c) that states: "Compensation may differ that would enable the CSG subscribers to keep the RECs generated by the CSG." We also make a corresponding revision in Rule 3882(a)(III)(A) to similarly replace the word "price" with the more specific term "compensation." We therefore adopt revised language in Rule 3882(a)(III)(A) that states: "The standard offer may result in differing compensation that would enable the CSG subscribers to keep the RECs generated by the CSG." This corresponding revision ensures the CSG Rules generally use the term "compensation" when referring to CSG subscriber benefits and "pricing" when referring to competitive solicitations and standard offers.

2. WRA

a. Rule 3882(a)(III)(A)

8. In its RRR, WRA requests the Commission reconsider the language in Rule 3882(a)(III)(A).

9. WRA states, as currently drafted, this rule could be interpreted to allow utilities to offer CSG subscribers the opportunity to retain RECs but not to require that utilities provide this new offering. WRA states this interpretation would be inconsistent with the Commission's explanation at ¶ 88 of Decision No. C20-0482 stating that adopted Rule 3882 establishes "the requirement that the utility implement a standard offer program under which subscribers can elect to retain the RECs associated with the CSG generation." WRA suggests, to better align the

rule language and the Commission's explanatory statement, this rule should be modified to specify: "At least one standard offer must enable CSG subscribers to keep the RECs generated by the CSG."[2]

10. WRA also proposes revising the language in Rule 3882(a)(III)(A) that states: "The standard offer may be at a differing price that would enable the CSG subscribers to keep the RECs generated by the CSG." WRA proposes revising this language to read: "This standard offer may be at a differing price to reflect the value of the REC being retained by the subscriber."[3]

b. Rule 3881(a)

11. WRA requests the Commission reconsider the language in Rule 3881(a). As adopted in Decision No. C20-0482, this rule states, in relevant part: "Compensation to the CSG subscriber for its share of the electricity and RECs generated by a CSG shall take the form of a billing credit paid to the CSG subscriber by the utility …" WRA states, as currently drafted, this rule creates a presumption that all RECs generated by a CSG will be transferred to the utility. WRA states this would be inconsistent with the new requirement in Rule 3882(a)(III) that utilities prepare a standard offer that allows CSG subscribers to retain RECs.

c. Findings and Conclusions

12. The Commission grants WRA's request to modify Rule 3882(a)(III)(A) to add a new sentence specifying: "At least one standard offer must enable CSG subscribers to keep the RECs generated by the CSG." We agree this additional language is appropriate to clarify that utilities are **required** to propose a new standard offer in their next CSG acquisition plans that

[2] WRA RRR at p. 3. (Emphasis Omitted)
[3] *Id.*

includes the option for CSG subscribers to retain RECs. We expect utilities to propose a reasonable, viable option consistent with this rule that will allow this new standard offer program to be available to a substantial number of the utility's customers.

13. The Commission denies WRA's remaining RRR requests. First, we do not adopt WRA's proposed revisions to the existing language in Rule 3882(a)(III)(A). We find WRA's proposed revisions to this rule go beyond merely clarification and would make this rule more prescriptive than the originally adopted language.

14. Second, we do not adopt WRA's proposed revision to Rule 3881(a) striking the words "and RECs" in this rule. We recognize the CSG Rules now allow that CSG subscribers may retain RECs, but we disagree that this rule must be modified to reflect that change. As addressed in ¶ 112 of Decision No. C20-0482, we construe the term "output" as used throughout § 40-2-127, C.R.S., to refer to both the electricity and RECs generated by the CSG. Thus, to be consistent with the statutory language in § 40-2-127(5)(b)(II), C.R.S., stating the utility's purchase of the output of the CSG shall take the form of a net metering credit, this rule appropriately refers to both electricity and RECs. This portion of the statute remains unchanged, so we find it necessary to include both electricity and RECs in our implementing rules. This is also consistent with Rule 3882(a)(III)(A), which recognizes that a standard offer allowing for CSG subscribers to retain RECs may result in differing compensation that would enable the CSG subscribers to keep the RECs. We find WRA's concern that this language creates an incorrect presumption that all RECs must transfer to the utility is addressed and corrected in the rules by the new language adopted by this Decision in Rule 3882(a)(III) that states the utility must propose a standard offer that enables CSG subscribers to retain RECs and the language in Rule 3882(c) that states the CSG owner shall state in its proposed contract with the utility

whether the RECs will be retained by subscribers or transferred to the utility. These more specific rules rebut any incorrect presumption that all RECs generated by a CSG will be transferred to the utility in all cases.

3. COSSA/SEIA

15. In their RRR, COSSA/SEIA request the Commission reconsider and clarify two aspects of Decision No. C20-0482: (1) the provisions in Rule 3882 adopting the requirement that utilities implement a standard off program under which CSG subscribers can elect to retain RECs; and (2) the provisions in Rule 3881(a)(I) adopting a change to the calculation of the CSG billing credit to deduct the demand side management (DSM) rate component. Similar to WRA's RRR, COSSA/SEIA also request the Commission strike the words "and RECs" in Rule 3877(a).

a. Rule 3882(a)

16. COSSA/SEIA contend that House Bill 19-1003, which amended § 40-2-127, C.R.S., established a "clear directive" that CSG programs should provide options for subscribers to retain RECs. COSSA/SEIA challenge that the Commission's Rule 3882 will not result in a standard offer program that meets this directive. They request the Commission modify this rule to clarify that utilities are required to propose a new standard offer program that includes the option for CSG subscribers to retain RECs. COSSA/SEIA also request the Commission clarify the meaning of the term "differing price" as used in Rule 3882(a)(III)(A) and clarify other program parameters such as the size and location of participating CSG projects.

17. Specifically, COSSA/SEIA request the Commission adopt modifications to Rule 3882(a) to address the following issues.

18. They request the Commission add language to differentiate the standard offer required in Rule 3882(a) and the utilities' current standard offer programs. COSSA/SEIA recommend using the term "standard offer REC access program" to differentiate this new program.

19. They request the Commission modify the rule language referring to a "differing price" that enables subscribers to retain RECs. COSSA/SEIA contend the term "price" is unclear. They argue, if "price" refers to the CSG billing credit, this would be inconsistent with the law. They further argue, if "price" refers to REC price, it makes little sense for the utility to offer a "differing" REC price. They reason, since there is no REC conveyance, no REC price should be paid. Finally, they argue, if "price" refers to the subscription, the Commission lacks jurisdiction to regulate that price. COSSA/SEIA recommend removing the term "price" and revising the rule to state subscribers will receive a net metering bill credit pursuant to Rule 3881 and any applicable incentive adders.

20. They request the Commission add to the rule the requirement that the "standard offer REC access program" is a mandatory and significant component of utility CSG acquisition plans. They request we clarify that utilities are required to implement a new program under which subscribers can retain RECs. They further request the rule makes this offering a mandatory component of utility CSG acquisition plans and require it be comparable in size to the competitive solicitation program.

21. They request the Commission add to the rule the requirement that the "standard offer REC access program" is open to all CSG projects within the size limits, subscriber mix requirements, geographical constraints, and other requirements set forth in statute and rule. They

believe the new requirement in Rule 3882(a)(I) to encourage participation by traditionally underserved customer groups would also apply.

22. They request the Commission add to the rule the requirement that the "standard offer REC access program" be available in 2021. COSSA/SEIA state this deadline would be consistent with the Commission's statement at ¶ 38 of Decision No. C20-0482 that new requirements shall be implemented upon finalization of the rules adopted in this proceeding.

23. Finally, they request the Commission reconsider whether to impose by rule project maturity requirements. They state such requirements would ensure that only viable projects are awarded and allocated capacity in this new program.

b. Findings and Conclusions

24. The Commission denies COSSA/SEIA's RRR on this issue.

25. To start, we clarify that House Bill 19-1003 gives the Commission a choice to make in this proceeding; it does not establish an unequivocal directive that CSG programs must provide options for subscribers to retain RECs. Rather, the plain language of the statute requires the Commission to determine **whether** the utility shall purchase all the electricity and RECs or **whether** a subscriber may choose to retain or sell to the utility the RECs. Exercising this discretion, the Commission has resolved in this rulemaking that it will require that utilities develop a standard offer that affords customers this new option. As addressed above in discussing WRA's RRR, we adopt in this Decision a clarifying change to Rule 3882(a)(III)(A) to more clearly specify that at least one of the standard offers proposed by the utilities in their next CSG acquisition plans shall enable subscribers to retain RECs. This clarification should address some of COSSA/SEIA and the stakeholders' concerns on this issue.

26. We also deny COSSA/SEIA's assertion that the Commission must modify the rule language in Rule 3882(a)(III)(A) that states: "The standard offer may be at a differing price that would enable the CSG subscribers to keep the RECs generated by the CSG." We retain the original language with the modification adopted above in addressing WRA's RRR. The modified rule reads: "The standard offer may result in differing compensation that would enable the CSG subscribers to keep the RECs generated by the CSG." We use the term "compensation" in this rule to refer to compensation to CSG subscribers. Pursuant to this rule, utilities will be required to propose, as part of their next CSG acquisition plans, a standard offer program that enables subscribers to retain RECs. This rule affords utilities the opportunity to propose a compensation level that enables subscribers to retain RECs; provided, however, the utilities' proposals must still adhere to the statutory requirements in § 40-2-127(5)(b)(II), C.R.S., for calculation of the CSG billing credit. The Commission, and stakeholders participating in those future proceedings, will have an opportunity to review at that time whether the utilities' proposals are reasonable and lawful.

27. As to the remaining arguments in COSSA/SEIA's RRR, we do not find it appropriate or necessary at this time to create by rule a new defined program with the specific parameters requested by COSSA/SEIA. Many of these requests are adequately addressed in concept in these rules. Other requests simply exceed at this point what we find appropriate to establish by rule. We conclude the Commission can achieve many of these same objectives through the new standard offer required in Rule 3882.

c. Rule 3881(a)(I)

28. In their RRR, COSSA/SEIA contend Rule 3881(a)(I) must be modified to eliminate the deduction of the demand side management cost adjustment (DSMCA) from the CSG billing credit.

29. COSSA/SEIA contend the Commission's decision to deduct the DSMCA is arbitrary and capricious because it conflicts with a prior decision where the Commission rejected as unlawful a similar proposal by Public Service. COSSA/SEIA claim the Commission "already dispatched" this issue in Proceeding No. 11A-418E. COSSA/SEIA state, in that proceeding, the ALJ "rejected Public Service's request on the basis that deducting the DSMCA from the bill credit would be inconsistent with the express language of the statute" and that the ALJ reasoned "DSM program costs do not generally relate to the costs of delivering electricity."[4] COSSA/SEIA contend that to "reverse" the prior decision would be arbitrary and capricious since the relevant statutory language has not changed.[5]

30. COSSA/SEIA further argue, in any event, the statute is specific and unambiguous and cannot be stretched to include the costs of energy efficiency and demand response programming. COSSA/SEIA contend the plain meaning of "the utility's costs of delivering to the subscriber's premises the electricity generated by the community solar garden"[6] in § 40-2-127(5)(b)(II), C.R.S., refers to the utility's cost of "transporting" or "moving" electricity from the CSG to the subscriber. In a footnote, COSSA/SEIA acknowledge the actual electrons charged by the CSG will co-mingle in transit with other electrons but argue "the costs of

[4] COSSA/SEIA RRR p. 5 (citing Proceeding No. 11A-418E, Decision No. R12-0261 at 48-52 (Mar. 8, 2012)).

[5] *Id*. at p. 6.

[6] *Id.* at p. 8. (Emphasis Omitted)

delivering a specific volume of electricity from one location to another is specific and unambiguous under utility rates authorized by the Commission."[7]

31. COSSA/SEIA maintain that DSM programs relate to improving air quality and not to delivering electricity. They reason, since DSM programs are authorized under Article 3.2, which pertains to "Air Quality Improvement Costs," DSM costs are authorized as a cost of improving air quality.

32. COSSA/SEIA also argue that the Commission, in approving Public Service's initial DSM programs, declared the purpose of DSM programs "'is to avoid or delay new supply-side resources and the costs associated with those resources.'"[8] COSSA/SEIA argue that avoiding and delaying utility resources refers to the demand on a utility's generation portfolio and not its distribution or transmission system. COSSA/SEIA add that the DSMCA is not rate-based with other utility delivery costs but rather billed separately.

33. COSSA/SEIA further argue, even if the statutory language were not clear, this deduction would be contrary to the legislative intent, which COSSA/SEIA describe as to create a thriving CSG market parallel to the market for on-site solar. COSSA/SEIA reason, because the DSMCA is not deducted from the bill credit for on-site solar, it should not be deducted from the bill credit for CSGs. COSSA/SEIA contend the Colorado Legislature (Legislature) must have been aware of DSM programs when it passed the original enabling legislation for CSGs and subsequent amendments, yet it did not at any of those opportunities specify that DSM costs should be deducted. COSSA/SEIA further argue the Legislature made a choice in 2010 when it

[7] *Id* at p. 10, fn. 41.

[8] *Id.* at p. 10 (quoting Proceeding No. 00A-008E, Decision No. C00-1057 at p. 24 (Sept. 26, 2000)).

passed a bill that authorized deduction of the Renewable Energy Standard Adjustment from the net-metering credit for on-site solar but made no comparable deduction for the DSMCA.

34. In addition, COSSA/SEIA dispute the Commission's finding in Decision No. C20-0482 that the record contains little support for the claim that this change in calculation of the CSG billing credit will have a negative effect on the Colorado market. COSSA/SEIA contend they provided substantial comments regarding the negative impacts of variability on CSG markets and subscribers. They note public comments provided additional support for the negative impacts this rule change would have on customers and the market in Colorado.

35. COSSA/SEIA request, at a minimum, the Commission clarify this deduction of the DSMCA will apply only on a prospective basis to new awards. They argue existing subscribers should not be penalized for acting in reliance on rules in place when they subscribed.

36. COSSA/SEIA also request, if the Commission retains the deduction, it should revisit the reasonableness of this deduction at a future date. They urge the Commission to revisit this deduction in the next two to three years or upon any major changes to the DSMCA arising from decisions in other proceedings.

37. Public comments filed in this rulemaking reflect the same concerns raised by COSSA/SEIA. These commenters state that allowing deduction of the DSMCA from the CSG billing credit will erode customer savings, create disruption for existing subscribers, and erode investor confidence in this program.

d. Findings and Conclusions

38. The Commission denies COSSA/SEIA's RRR on this issue.[9]

[9] Commissioner Megan M. Gilman dissents from this portion of the Decision and would vote instead to grant COSSA/SEIA's RRR on this issue.

39. As an initial matter, we dismiss COSSA/SEIA's contention that prior Proceeding No. 11A-418E is dispositive of this issue. The ALJ in that case made only limited findings on this issue. Specifically, the ALJ stated the "only reduction … contemplated by the community solar gardens statute entails the costs of delivering electricity which DSM programs do not generally relate."[10] No party challenged this finding by the ALJ and so the Commission did not address it in its subsequent decisions in that proceeding. Moreover, these findings were based on the specific record and arguments in that proceeding. For example, Public Service's arguments focused on ensuring that CSG subscribers do not avoid responsibility to pay their share of this "public benefits program" and Public Service described DSM programs as advancing "an important societal and public-policy goal."[11] Yet in this rulemaking, WRA directly argued the DSMCA is a system-wide program associated with the delivery of electricity to all customers. WRA persuasively argued that DSM programs provide system-wide benefits to utility customers in the form of decreased electricity use (and costs) that impact customer bills, and in the availability of DSM programs and incentives. WRA persuasively argued that CSG subscribers are not identical to on-site solar customers because the utility must still deliver to the CSG subscriber's premises all the electricity the subscriber consumes. Public Service, Black Hills Colorado Electric, LLC (Black Hills) and the Office of Consumer Counsel all added that excluding DSM costs from the CSG billing credit will help ensure that CSG subscribers do not improperly shift costs of DSM programs to other customers. Based on these arguments, the Commission concluded it was reasonable and lawful that CSG subscribers pay the DSM costs associated with the cost of delivering them energy from the utility's system.

[10] Proceeding No. 11A-418E, Decision No. R12-0261 at ¶ 167 (Mar. 8, 2012).

[11] *See, e.g.*, Proceeding No. 11A-418E, Direct Testimony of Scott B. Brockett at p. 11.

40. We also dismiss COSSA/SEIA's contention that the utility's "costs of delivering" electricity to the subscriber's premises in § 40-2-127(5)(b)(II), C.R.S., necessarily refers strictly to the utility's cost of "transporting" or "moving" electricity from the CSG to the subscriber. This interpretation of the statutory language relies on an oversimplified view of utility operations. Considerations of distribution, transmission, and overall system reliability constraints factor into even the process of delivering electricity. Further, DSM programs that lower electricity demand help alleviate the very transmission and distribution constraints that many CSG developers and other stakeholders claim are limiting their efforts to bring more CSG projects online. In Proceeding No. 00A-008E, cited by COSSA/SEIA in their RRR, the Commission recognized these overarching system benefits. The Commission found, "Appropriate, cost-effective DSM will benefit all ratepayers, including those who are not direct participants in a specific program, by avoiding the costs of building new capacity.[12] Elaborating further, the Commission found, "DSM will promote system reliability, reducing the possibility of electric service interruptions in the future."[13] Further, the Commission dismissed the argument that DSM is an unlawful "social policy" unrelated to the cost of service and found instead that "DSM is related to cost and reliability of utility service."[14] These findings are consistent with the Commission's conclusion in this rulemaking that the DSMCA is a system-wide program that is associated with the delivery of electricity to all the utility's customers. Through § 40-2-127(5)(b)(II), C.R.S., the Legislature left to the Commission discretion to determine the "reasonable charge" to be deducted to "cover the utility's costs of delivering" electricity to

[12] Proceeding No. 00A-008E, Decision No. C00-1057 at pp. 24-25 (Sept. 26, 2000).
[13] *Id*. at p. 26.
[14] *Id*. at p. 32.

CSG subscribers. The Commission reasonably and lawfully exercised that discretion in this rulemaking.

41. Next, we find unpersuasive COSSA/SEIA's argument that deducting the DSMCA is contrary to the legislative intent to create a CSG program parallel to on-site solar. As argued by WRA during this rulemaking, and as discussed in Decision No. C20-0482, CSG subscribers are distinguishable from rooftop solar customers because a CSG subscriber's use of electricity from the utility's system is not functionally impacted by its CSG subscription. The utility must still deliver to the CSG subscriber's premises all the electricity the subscriber consumes. *See* Decision No. C20-0482 at ¶¶ 57 and 67. We affirm in this Decision that we find a practical distinction between CSG subscribers and on-site solar customers because the utility is still required to deliver to the CSG subscriber all the electricity the subscriber consumes.

42. Finally, we deny COSSA/SEIA's objection that the Commission ignored record evidence that modifying the calculation of the CSG billing credit will negatively affect the market in Colorado. As we found at ¶ 68 of Decision No. C20-0482, this rulemaking record contains little support for the contention that modifying the CSG billing credit to exclude the DSMCA will have negative effects on the Colorado market. Commenters raising concern of a negative market impact from this rule change did not provide helpful quantification or evidence demonstrating exactly how or why this single change to the credit calculation will have enough impact to affect the market. Further, the mere objection that any modification to a subscriber's billing credit will disrupt the market is unpersuasive. The total aggregate retail rate as charged to CSG subscribers already changes quarterly for most CSG subscribers. Thus, CSG subscribers already experience minor fluctuations in their monthly credit. Based on the record of this

rulemaking proceeding, we find the concerns of a negative market effect do not provide a reason to reconsider our adopted rule.

43. We reject COSSA/SEIA's request to clarify that this deduction will apply only on a prospective basis to only new CSG awards. We find any attempt to "grandfather" existing subscribers to be both legally and administratively unworkable. As we stated at ¶ 69 of Decision No. C20-0482 and the Ordering Paragraphs therein, the affected utilities, Public Service and Black Hills, are required to file revised tariffs to implement the modified rules no later than 30 days after the rules become effective.

44. We do find merit to COSSA/SEIA's suggestion that we plan to revisit the reasonableness of this deduction at a future date. We recognize there may be substantial changes to the DSMCA rider adopted in future proceedings before the Commission. We agree, as COSSA/SEIA note, that customer and market impacts will be more apparent after such a decision has been adopted.

e. Rule 3877(a)

45. Finally, COSSA/SEIA request the Commission strike the words "and RECs" in Rule 3877(a). Similar to WRA's RRR, COSSA/SEIA state that striking this language in the rules is needed to reflect that RECs may now be retained by CSG subscribers in some cases.

f. Findings and Conclusions

46. For the same reasons concerning construction of the statutory term "output" as used throughout § 40-2-127, C.R.S., discussed above in this Decision when denying WRA's RRR, and previously at ¶ 112 of Decision No. C20-0482, the Commission denies COSSA/SEIA's RRR on this issue.

47. Rules Implementing the CSGs within the Commission's Rules Regulating Electric Utilities, 4 CCR 723-3, contained in legislative (*i.e.*, strikeout/underline) format (Attachment A), and final format (Attachment B) are adopted, and are available through the Commission's Electronic Filings system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=19R-0608E

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C20-0482 filed by Public Service Company of Colorado on July 29, 2020, is granted, in part, and denied, in part, consistent with the discussion above.

2. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C20-0482 filed by Western Resource Advocates on July 29, 2020, is granted, in part, and denied, in part, consistent with the discussion above.

3. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C20-0482 filed by the Colorado Solar and Storage Association and the Solar Energy Industry Association on July 29, 2020, is denied, consistent with the discussion above.

4. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

5. This Decision is effective upon its Mailed Date.

B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING August 26, 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