

Decision No. C20-0701-I

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

PROCEEDING NO. 20A-0195E

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IN THE MATTER OF THE APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC FOR APPROVAL OF ITS TRANSPORTATION ELECTRIFICATION PLAN, READY EV, FOR PROGRAM YEARS 2021-2023 AND FOR RELATED TARIFF APPROVALS.

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**INTERIM DECISION ADDRESSING  
PROCEDURAL MATTERS AND SCHEDULING  
REMOTE PREHEARING CONFERENCE**

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Mailed Date: October 2, 2020  
Adopted Date: September 30, 2020

**I. BY THE COMMISSION**

**A. Statement**

1. On May 8, 2020, Black Hills Colorado Electric, LLC (Black Hills or Company) filed its Application for Approval of its Transportation Electrification Plan (TEP), Ready EV, for Program Years 2021-2023 and for Related Tariff Approvals (Application). By Interim Decision No. C20-0500-I,<sup>1</sup> we acknowledged Black Hills' waiver of the statutory deadline pursuant to § 40-6-109.5(3), C.R.S., for a period of 90 days from the effective date of Interim Decision No. C20-0500-I, and directed that discovery requests be held in abeyance for a period not to exceed 60 days from the effective date of Interim Decision No. C20-0500-I. We now lift the abeyance in consonance with the findings in Decision No. C20-0500-I and direct the parties to move forward with this proceeding.

2. In addition to Black Hills' waiver of the statutory deadline for a period of 90 days from the effective date of Interim Decision No. C20-0500-I, we now find that pursuant to

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<sup>1</sup> Mailed on July 10, 2020, and adopted on July 8, 2020.

§ 40-6-109.5(1), C.R.S., additional time is required for this proceeding. Accordingly, we extend the time to issue a decision in this proceeding by 130 days.

3. Finally, we instruct Black Hills to confer with the parties to this proceeding and file a joint proposed procedural schedule no later than October 12, 2020. A remote prehearing conference is scheduled in this matter for October 16, 2020, as discussed below.

**B. Procedural Background**

4. In this proceeding, Black Hills seeks approval of: (1) its Application; (2) the Ready EV Plan, including its programs; (3) the Ready EV Plan budget; (4) the Company's proposal to recover certain prudently-incurred costs associated with the Ready EV Plan through the Demand Side Management Cost Adjustment; (5) the proposed new time-of-day rate schedules governing electric vehicle (EV) charging for the residential class, the small general service class, and the large general service– secondary class; and (6) the tariff sheets.

5. Similarly, on May 15, 2020, Public Service Company of Colorado (Public Service) filed its Application for Approval of its 2021-2023 TEP.<sup>2</sup> Public Service requests the Commission issue an order approving the proposals contained in its 2021- 2023 TEP application.

6. Both the Black Hills' Application and Public Service's application were filed pursuant to Senate Bill 19-077, which requires each Colorado electric public utility to file with the Commission "an application for a program for regulated activities to support widespread transportation electrification" within their service territories for Commission approval by May 15, 2020.

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<sup>2</sup> See Proceeding No. 20A-0204E.

7. In this proceeding, the Colorado Public Utilities Commission (Commission) issued a Notice of Application Filed (Notice) on May 8, 2020. The Notice set a 30-day intervention period for Black Hills' Application that ran through June 8, 2020.<sup>3</sup>

8. In Decision No. C20-0474-I,<sup>4</sup> we granted the requests for intervention filed by Charge Point, Inc.; Tesla, Inc.; Electrify America, LLC; Pueblo County; Western Resource Advocates, Sierra Club, and Natural Resource Defense; and Vote Solar, GRID Alternatives, Inc., Colorado Latino Forum, and GreenLatinos. In addition, we acknowledged that Staff of the Public Utilities Commission, the Office of Consumer Counsel, and the Colorado Energy Office are intervenors as of right and are parties to this proceeding.<sup>5</sup>

9. Similarly, in Decision No. C20-0670-I,<sup>6</sup> we granted the motions for late intervention filed by Walmart Inc. and the City of Pueblo.

10. In Decision Nos. C20-0465<sup>7</sup> and C20-0466,<sup>8</sup> we found it appropriate to stagger the TEP proceedings, initiating one application, followed after a period of time by the second application. By Interim Decision No. C20-0500-I, we determined it appropriate to approve the request of Black Hills to waive the statutory deadline in this proceeding pursuant to § 40-6-109.5(3), C.R.S., for a period of 90 days from the effective date of that Interim Decision. We also directed that discovery requests related to Black Hills' Application be held in abeyance for a period not to exceed 60 days from the effective date of Interim Decision No. C20-0500-I.

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<sup>3</sup> On June 23, 2020, by operation of Rule 1303(c)(III) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, the Application was deemed complete for purposes of § 40-6-109.5, C.R.S.

<sup>4</sup> Mailed on June 29, 2020, and adopted on June 24, 2020.

<sup>5</sup> Decision No. C20-0474-I at pages 6-7.

<sup>6</sup> Mailed on September 18, 2020, and adopted on September 16, 2020.

<sup>7</sup> Decision No. C20-0465 was issued on June 24, 2020 in Proceeding No. 20A-0204E.

<sup>8</sup> Decision No. C20-0466 was issued on June 24, 2020 in Proceeding No. 20A-0195E.

**C. Findings and Prehearing Conference**

11. Given that 82 days have passed since we issued Interim Decision No. C20-0500-I, we lift the abeyance and move forward with this proceeding.

12. Pursuant to § 40-6-109.5, C.R.S., when an application is filed and accompanied by supporting testimony, together with exhibits, the Commission shall issue its decision on the application no later than 120 days after the application is deemed complete. However, if the Commission finds additional time is required, pursuant to § 40-6-109.5(1), C.R.S., it may by separate order, extend the time for decision by an additional period not to exceed 130 days.

13. Through this Decision, we find that additional time is required in this proceeding. We therefore extend the decision deadline in the proceeding an additional 130 days.

14. In anticipation of an evidentiary hearing in this proceeding, the Commission will schedule a remote prehearing conference pursuant to Rule 4 *Code of Colorado Regulations* 723-1-1409(a), of the Commission's Rules of Practice and Procedure. At the remote prehearing conference, an evidentiary hearing will be scheduled, and procedural deadlines will be established.<sup>9</sup> The parties are required to confer on a hearing date and procedural deadlines before the prehearing conference. As part of that conferral, the parties should discuss whether they are willing and able to hold the evidentiary hearing by video conference.<sup>10</sup>

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<sup>9</sup> This includes deadlines to file witness and exhibit lists, exhibits, post-hearing statements of position, settlement agreements and stipulations, and prehearing motions.

<sup>10</sup> Due to the COVID-19 global pandemic, the Commission's offices are not open to the public, and therefore no in-person hearings are being held. It is unknown when the Commission will be able to hold hearings in person, but the Commission has been holding evidentiary hearings by video conference.

15. The Commission directs Black Hills to confer with the parties and submit a joint proposed procedural schedule with proposed dates for a hearing.<sup>11</sup> The parties' proposed dates must contemplate the last day of the hearing being no later than April 23, 2021. If the Commission substantially approves of the proposed dates and schedule, the Commission may vacate the prehearing conference. A prehearing conference will be scheduled for October 16, 2020; therefore, a joint proposed procedural schedule shall be filed no later than October 12, 2020.

16. The remote prehearing conference will be held using the web-hosted video conferencing service, GoToMeeting. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link and meeting ID or access code will be provided to the parties by email before the hearing, and the parties will be prohibited from distributing that information to anyone not participating in the hearing.

17. Information and directions on using GoToMeeting to attend the hearing is provided in Attachment A to this Decision. The Commission strongly encourages the parties to test their ability to use GoToMeeting before the remote prehearing conference.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The deadline for a Commission decision is extended an additional 130 days, as permitted in § 40-6-109.5(1), C.R.S.

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<sup>11</sup> If the parties wish to preserve the ability to hold a hearing in-person if it becomes an option before the evidentiary hearing, the parties should ensure that Commission Hearing Room A is available for their proposed hearing dates. The parties may review the Commission's public calendar for this information, which they may find on the Commission's website. Also, the parties should not propose a hearing date on a Wednesday, particularly in the morning, due to the Commission's weekly meeting.

2. Black Hills Colorado Electric, LLC shall confer with the parties to this proceeding and file no later than October 12, 2020, a proposed procedural schedule that contemplates the last day of the hearing being no later than April 23, 2021.

3. Consistent with the above discussion, a remote prehearing conference is scheduled as follows:

DATE: October 16, 2020

TIME: 11:00 a.m.

METHOD: By video conference using GoToMeetings at link provided to parties by email

4. The parties may not distribute the GoToMeeting link, and access or ID code to non-participants.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONER’S WEEKLY MEETING  
September 30, 2020.**

( S E A L )



ATTEST: A TRUE COPY

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