

Decision No. C20-0704-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0204E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY
OF COLORADO FOR APPROVAL OF ITS 2021-2023 TRANSPORTATION
ELECTRIFICATION PLAN.

**INTERIM DECISION GRANTING UNOPPOSED
MOTION; WAIVING RESPONSE TIME TO
UNOPPOSED MOTION; SCHEDULING PUBLIC
COMMENT HEARING; AND MODIFYING THE
EVIDENTIARY HEARING'S START TIME**

Mailed Date: October 6, 2020
Adopted Date: September 30, 2020

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I. BY THE COMMISSION**A. Statement**

1. On May 15, 2020, in accordance with Senate Bill (SB) 19-077,¹ Public Service Company of Colorado (Public Service or Company) filed its Application for Approval of its 2021-2023 Transportation Electrification Plan (TEP). Numerous parties intervened, and the Commission set the matter for a five-day *en banc* evidentiary hearing. On September 22, 2020, four interveners, the Colorado Latino Forum, GreenLatinos, GRID Alternatives, and Vote Solar (collectively the Environmental Justice Coalition) filed an Unopposed Motion Requesting the Commission Schedule a Remote Public Comment Hearing and Requesting a Waiver of Response Time (Motion). We grant the Motion and: (1) waive the 14-day response time to the Motion; and (2) schedule a remote public comment hearing for this matter to be held on November 12, 2020, starting at 4:00 p.m. until concluded, but no later than 7:00 p.m.

2. In addition, the five-day evidentiary hearing currently is set to begin at 9:00 a.m. on Thursday, November 12, 2020. However, because the Commission offices will be closed on Wednesday, November 11 in observance of Veteran's Day, the Commission Weekly Meeting has been moved from Wednesday, November 11, to Thursday, November 12, 2020, starting at 9:00 a.m. Accordingly, we reschedule the start time of the evidentiary hearing in this matter from 9:00 a.m. to 1:00 p.m. on November 12, 2020.

B. Procedural Background

3. In the Company's TEP Application, Public Service states that its TEP is intended to support Colorado's goal of attaining 940,000 Electric Vehicles (EVs) on the road by 2030 and

¹ SB 19-077, which was signed into law on May 31, 2019, requires investor-owned electric public utilities to file with the Commission by May 15, 2020, "an application for a program for regulated activities to support widespread transportation electrification" within its service territory. *See*, § 40-5-107(1)(a), C.R.S.

to help position Colorado as a national leader in vehicle electrification. We deemed the Company's Application complete by minute entry on June 24, 2020.

4. Through Decision No. C20-0501-I,² we granted the requests for intervention filed by the following parties: the Regional Transportation District; Charge Point, Inc.; Tesla, Inc.; Electrify America, LLC; EVgo; Enel X North America, Inc., Greenlots, North America, and EVBox, Inc.; the City of Boulder; the City and County of Denver; Colorado Energy Consumers; Western Resource Advocates, Sierra Club, and Natural Resource Defense Counsel; Southwest Energy Efficiency Project; the Environmental Justice Coalition; and Energy Outreach Colorado.³ In that same Decision, we also acknowledged Staff of the Public Utilities Commission, the Office of Consumer Counsel, and Colorado Energy Office as interveners as of right to the proceeding.⁴ The Commission further directed that this proceeding would be heard *en banc*.

5. In addition, through Decision No. C20-0515-I,⁵ we granted the late filed motion for intervention that Walmart, Inc. filed on July 8, 2020. In Decision No. C20-0515-I, we also granted the *Amici* Motion filed by Black Hills Colorado Electric, LLC, doing business as Black Hills Energy (Black Hills) on July 14, 2020, allowing Black Hills to participate as *amicus curiae*.

6. On July 20, 2020, Public Service, on behalf of all the parties to the proceeding, filed a Joint Report Regarding the Procedural Schedule (Joint Report). The Joint Report sets out the procedural schedule that the parties agreed upon, including five proposed days for an evidentiary hearing.⁶ The Joint Report contains no request for a public comment hearing.⁷

² Adopted July 8, 2020, and mailed July 10, 2020.

³ Decision No. C20-0501, at pages 12-13.

⁴ *Id.* at 13.

⁵ Adopted July 15, 2020, and mailed July 15, 2020.

⁶ Decision No. C20-0536 at page 2.

⁷ *Id.*

7. In Decision No. C20-0536-I,⁸ we adopted the procedural schedule and hearing dates set forth in the Joint Report, including scheduling a five-day evidentiary hearing for November 12 through 13 and 16 through 18, 2020.⁹ Regarding the five days for the evidentiary hearing, in the Decision we notified the parties that November 12 and 13 “would likely be the first dates considered to vacate if fewer dates are required or requested.”¹⁰

C. The Environmental Justice Coalition’s Motion

8. In the Motion, the Environmental Justice Coalition argues that a remote public comment hearing would benefit the Commission for several reasons. Specifically, the Environmental Justice Coalition notes that this proceeding involves Public Service’s inaugural TEP and thus argues that this proceeding will feature several policy issues of first impression regarding EVs and EV charging infrastructure.¹¹ In addition, the Environmental Justice Coalition asserts that because Public Service’s TEP will have numerous equity and environmental justice impacts, the Commission would benefit from hearing “directly from disproportionately impacted community members about their views” on the TEP and related issues.¹² Accordingly, the Environmental Justice Coalition asks the Commission to schedule a remote public comment hearing at a date prior to, or during the evidentiary hearing.¹³

9. The Environmental Justice Coalition also asks that the Commission waive the 14-day response time to the Motion.¹⁴ The Environmental Justice Coalition states that it

⁸ Adopted July 22, 2020, and mailed July 23, 2020.

⁹ *Id.* at 2-3.

¹⁰ Decision No. C20-0536 at page 4.

¹¹ Motion at page 1.

¹² *Id.* at 2.

¹³ *Id.*

¹⁴ *Id.*

conferred with the other parties about the Motion and that no party opposes the Motion or objects to waiving the 14-day response time.¹⁵

10. For the reasons provided by the Environmental Justice Coalition and the fact that the Motion is unopposed, we find it appropriate to waive the 14-day response time to the Motion and schedule a remote public comment hearing. The public comment hearing will begin at 4:00 p.m. on November 12, 2020. Public Service may provide a response to oral and written comments through a filing due no later than November 27, 2020.¹⁶

11. The Commission uses the web-hosted video conferencing service GoToMeeting to hold remote video hearings. **Attachment A** to this Decision provides important requirements and technical information on participating in the remote public comment hearing using GoToMeeting. It is important that participants carefully review and follow all requirements in this Decision and in Attachment A.

12. **To Participate by Computer.** Anyone who wishes to participate in the public comment hearing by computer must use a computer that is connected to the internet and has a microphone and a speaker. At the time of the hearing, please go to:

<https://global.gotomeeting.com/join/591357941>.

When you are not speaking, please mute your microphone.

13. **To Participate by Telephone.** Anyone who wishes to provide comments by telephone during the remote public hearing must call +1 (571) 317-3122 when the hearing takes

¹⁵ *Id.*

¹⁶ Parties to this proceeding, including Public Service, are also not prohibited from addressing or responding to public comments, or to Public Service's response if any is provided on or before November 26, 2020, through filings scheduled in this proceeding; *e.g.*, through Statements of Position, which are due December 11, 2020, after the scheduled evidentiary hearing.

place. When prompted, input the pin 591-357-941. You will then be placed into the public comment hearing. Please note that your session and participation will be controlled by the Commission and its Staff. **When you are not speaking, please mute your telephone.**

14. **To Observe by Webcast.** The Commission anticipates that the public comment hearing will be webcast, consistent with Commission practice. This means that those persons wishing to observe the public hearing may do so without needing to join the hearing online or by telephone. Please use the audio or video connection for Hearing Room A found at <https://puc.colorado.gov/webcasts>.

15. Members of the public should *not* attend the public comment hearing in-person.

D. Start Time of the Evidentiary Hearing

16. In addition, we find it necessary and appropriate to modify the start time of the five-day evidentiary hearing, which is currently set to begin at 9:00 a.m. on November 12, 2020. On Wednesday, November 11, 2020—the day before the start of the evidentiary hearing—the offices of the Commission will be closed in observance of Veterans' Day. Accordingly, the Commission Weekly Meeting, which usually occurs on Wednesday, has been moved to the morning of Thursday, November 12.

17. To resolve the scheduling conflict between the November 12, 2020, Commission Weekly Meeting and the evidentiary hearing in this matter, we will push back the start of the evidentiary hearing. In particular, the evidentiary hearing's start time is rescheduled from 9:00 a.m. to 1:00 p.m. on November 12, 2020.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion Requesting the Commission Schedule a Remote Public Comment Hearing and Requesting a Waiver of Response Time (Motion) filed by the Colorado Latino Forum, GreenLatinos, GRID Alternatives, and Vote Solar on September 22, 2020, is granted.

2. The 14-day response time to the Motion is waived.

3. A remote public comment hearing is scheduled in this proceeding, as follows:

DATE: November 12, 2020

TIME: 4:00 p.m. until concluded, but not later than 7:00 p.m.

FOR WEBCASTS: Hearing Room A

METHOD: Join by video conference at the following link:
<https://global.gotomeeting.com/join/591357941>; **OR**

Join by telephone: Dial the following telephone number:
+1 (571) 317-3122; when prompted, input the PIN
591-357-941.

4. At the above date and time, anyone who wishes to present oral comments regarding this proceeding, will participate remotely by using the GoToMeeting video conference platform as described in Attachment A. To participate in the remote public hearing, participants shall follow the procedures set forth in **Attachment A** to this Decision.

5. The presiding official will call upon persons who have indicated they wish to present oral comments. The length of time allotted to each speaker will depend on the number of persons that have indicated they wish to speak.

6. An individual who is a representative of a party in this proceeding, or who is employed by or affiliated with an intervenor, will not be permitted to present comments at the

public comment hearing. Public Service Company of Colorado may respond to public comments (written or oral) in a written pleading that shall be due on or before November 27, 2020.

7. The start time of the evidentiary hearing in this matter is rescheduled to 1:00 p.m. on November 12, 2020.

8. This Interim 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

JOHN GAVAN

MEGAN M. GILMAN

Commissioners