

Decision No. C20-0812-I

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

PROCEEDING NO. 20AL-0470E

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IN THE MATTER OF ADVICE LETTER NO. 1839-ELECTRIC OF PUBLIC SERVICE COMPANY OF COLORADO TO REVISE THE COMPANY'S TRANSMISSION COST ADJUSTMENT RIDER IN ITS COLORADO P.U.C. NO. 8 – ELECTRIC TARIFF EFFECTIVE JANUARY 1, 2021.

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**INTERIM COMMISSION DECISION GRANTING  
REQUEST FOR ALTERNATIVE FORM OF NOTICE**

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Mailed Date: November 19, 2020

Adopted Date: November 12, 2020

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

1. On November 2, 2020, Public Service Company of Colorado (Public Service or Company) filed a Motion for Approval of Alternative Form of Notice (Motion). By Advice Letter No. 1839-Electric, also filed on November 2, 2020, the Company filed its tariff filing to revise the Company's Transmission Cost Adjustment Rider (TCA) applicable to all electric base rate schedules, effective January 1, 2021.

2. Public Service states that it filed Advice Letter No. 1839 – Electric, to revise TCA rates, effective January 1, 2021, as required by the provisions of the TCA tariff in the Company's Colorado P.U.C. No. 8 – Electric Tariff, Commission Decision No. C07-1085, mailed on December 24, 2007, in Proceeding No. 07A-339E and Commission Decision No. C15-0292, mailed on March 31, 2015, in Proceeding No. 14AL-0660E. Public Service represents that

pursuant to the TCA tariff, Public Service's customers and the public will receive constructive notice<sup>1</sup> that Public Service filed for revised TCA rates to be effective January 1, 2021.

3. Public Service seeks authority under § 40-3-104(1)(c)(I)(E), C.R.S., to provide an alternative form of notice of the proposed TCA rates, pursuant to Advice Letter No. 1839– Electric, to its retail electric customers. The Company is requesting Commission authorization to provide notice of the proposed tariff changes through publication in the Legal Classified section of *The Denver Post*, a newspaper of general circulation. In addition to posting the proposed tariff changes on its website at [https://www.xcelenergy.com/company/rates\\_and\\_regulations/filings](https://www.xcelenergy.com/company/rates_and_regulations/filings), Public Service seeks Commission approval to use the following Alternative Forms of Notice:

- a. Publishing a legal notice in *The Denver Post* for two consecutive weeks, consistent with § 40-3-104(1)(c)(I)(A), C.R.S.;
- b. Providing the bill onsert for all Public Service customers' electric bills expected to be delivered over the course of approximately five weeks commencing approximately two weeks after this filing, consistent with § 40-3-104(1)(c)(I)(C), C.R.S.; and
- c. Providing the bill onsert to Public Service electric e-bill customers via email to be delivered over the course of approximately five weeks commencing approximately two weeks after this filing.

4. Public Service maintains good cause exists for the Commission to approve the alternative form of notice. The Company represents that this notice procedure is less costly than the procedure prescribed by statute. Newspaper notice is reasonable according to the Company since it provides nearly all customers the opportunity to obtain notice of the filing during the first 20 days of the 30-day period to the January 1, 2021 effective date. Additionally, Public Service

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<sup>1</sup> Public Service did not explain what it means by the term "constructive notice" and how that varies from actual notice.

argues because the alternative form of notice is in addition to notice provided through bill inserts consistent with § 40-3-104(1)(c)(I)(C), C.R.S., it is reasonable.

5. Because Public Service is complying with existing tariff provisions and Commission orders to update the TCA annually, it takes the position that there are no substantive issues in dispute. According to the Company, the only issue in dispute is whether it calculated the TCA correctly based on previous Commission decisions. Public Service believes the notice it is proposing is sufficient to notify the parties that may be interested in verifying the Company's calculations.

6. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 *Code of Colorado Regulations* 723-1-1207(b) of the Commission's Rules of Practice and Procedure, a utility may request to provide an alternative form of notice of proposed tariff changes. We find that the alternative forms of notice Public Service proposes in its Motion will provide sufficient notice to Public Service's customers and will do so efficiently. We therefore find good cause to approve the alternative forms of notice Public Service requests.

7. However, we note a statement by Public Service in its Motion that causes some concern. On page 4 of the Motion, Public Service represents as follows: "The Company plans to go forward with these forms of notice. Should the Commission deny this Motion, the Company will provide additional notice consistent with the Commission's order." If Public Service has lost sight of the statutory requirements contained under § 40-3-104(2), C.R.S., we remind it of those requirements.

8. Under § 40-3-104(2), C.R.S., "[t]he commission for good cause shown, may allow changes with less notice than is required by subsection (1) of this section by an order

specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published.”

9. As an investor-owned utility under the jurisdiction of this Commission, Public Service is required to abide by the Public Utilities Law as set forth in Title 40. With this reminder, we are confident the Company will continue its long record of adhering to the laws applicable to it.

**II. ORDER**

**A. It Is Ordered That:**

1. The Motion for Approval of Alternative Form of Notice filed by Public Service Company of Colorado on November 2, 2020, is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING  
November 12, 2020.**

(S E A L)



ATTEST: A TRUE COPY

*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