

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

PROCEEDING NO. 19M-0661EG

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IN THE MATTER OF THE IMPLEMENTATION OF § 40-3-117, C.R.S. REGARDING AN INVESTIGATION INTO PERFORMANCE-BASED RATEMAKING.

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**INTERIM DECISION OF  
HEARING COMMISSIONER  
JOHN GAVAN  
POSTPONING APRIL 21, 2020 WORKSHOP**

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Mailed Date: April 13, 2020

**I. STATEMENT**

1. On December 5, 2019, the Commission issued Decision No. C19-0969 opening this Proceeding, exploring performance-based regulation and performance-based incentive mechanisms in regulation of Colorado's investor-owned electric and gas utilities. In Decision No. C19-0969, the Commission stated that the sole purpose of this Proceeding is to address the requirements of § 40-3-117, C.R.S., and submit, by November 30, 2020, a requisite report to the Senate Transportation and Energy Committee and the House of Representatives Energy and Environment Committee. Additionally, this Proceeding serves as a repository for the filing of comments, studies, and analyses, and will serve as a platform from which to conduct workshops and Commissioner Informational Meetings, pose questions, discuss processes, and issue orders.

2. Section 40-3-117(1), C.R.S., directs the Commission to investigate:

financial performance-based incentives and performance-based metric tracking to identify mechanisms that may serve to align regulated utility operations, expenditures, and investments with public benefit goals including safety, reliability, cost efficiency, emissions reductions, and expansion of distributed energy resources.

3. Through Recommended Decision No. R19-1002-I issued on December 16, 2019, comments and reply comments on safety, reliability, and customer service were requested. Responsive comments were filed by a number of participants and a workshop to discuss comments was held on February 21, 2020.

4. Through Recommended Decision No. R20-0127-I, issued on February 26, 2020, comments and reply comments on cost efficiency were requested. A workshop to discuss cost efficiency in performance-based regulation and incentive mechanisms was scheduled for April 21, 2020. Comments were received from a number of parties on March 20, 2020 and response comments were received on April 3, 2020.

5. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency over the novel coronavirus pandemic (COVID-19). Since then, Colorado State government and the Commission have been working diligently to address how to safely and effectively manage the challenges presented by COVID-19. These efforts have focused on limiting the disruption to the services delivered by the Commission (and other State agencies), while minimizing the risks to State employees and the public. For example, the Commission has added to its website a link entitled “PUC Notifications Regarding COVID-19.”<sup>1</sup> Beginning March 18, 2020, the Commission’s Weekly Meetings will be conducted remotely, and the Commission has asked members of the public not to attend meetings in person, but to view them by webcast. Continuances of, or other actions regarding, administrative hearings and prehearing conferences will be addressed on a case-by-case basis. The responses of State and local governments in Colorado for dealing with the impacts of the expanding COVID-19 crisis on our jobs, our lives, and our society have been changing and updated every day.

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<sup>1</sup> See <https://puc.colorado.gov> and [https://puc.colorado.gov/puc\\_covid19](https://puc.colorado.gov/puc_covid19).

6. Under the current circumstances resulting from the impacts of and responses to the COVID-19 pandemic in Colorado, holding the workshop as scheduled on April 21, 2020 at 1560 Broadway, Denver, Colorado would present risks to the health and safety of the interested persons who may attend and of Commission employees working on this Proceeding.

7. Therefore, the workshop scheduled for Tuesday, April 21 2020 is postponed. In the coming weeks we will evaluate an appropriate schedule for receiving input from interested parties in this proceeding. The undersigned Hearing Commissioner will issue a decision with a new schedule at that time.

**II. ORDER**

**A. It Is Ordered That:**

1. The workshop on performance-based regulation as it pertains to cost benefit goals scheduled for April 21, 2020 is postponed.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JOHN GAVAN

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Hearing Commissioner

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director