

Decision No. C23-0825-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23AL-0582E

IN THE MATTER OF ADVICE LETTER NO. 861 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY TO DECREASE THE ENERGY PAYMENT RATE, TO BECOME EFFECTIVE JANUARY 1, 2024.

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

Mailed Date: December 11, 2023

Adopted Date: December 6, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 30, 2023, Black Hills Colorado Electric, LLC doing business as Black Hills Energy (Black Hills or Company) filed a Motion for Approval of Alternative Forms of Notice (Motion) to apply to the Company's Advice Letter No. 861 – Electric, through which the Company seeks to amend its Energy Payment rate (Average Hourly Incremental Cost of Electricity), on Tariff Sheet No. R36, in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff.

2. In the Motion, Black Hills states the Energy Payment rate is the payment that the Company makes to its net metering customers for excess energy produced from their systems unless they have elected to roll-over excess kWh to the next year. Black Hills states the proposed Energy Payment rate is \$0.04217 per kWh and is a 23.4 percent decrease from the Energy Payment rate of \$0.05508 per kWh, currently in effect. Black Hills states the proposed tariff amendment has no effect on the Company's revenues. Black Hills states the proposed amendment is to become effective on January 1, 2024.

3. Black Hills moves pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and Rule 1207(b), 4 *Code of Colorado Regulations* (CCR) 723-1, of the Commission's Rules of Practice and Procedure, to provide alternative form of notice for the Company's filing to its customers. Black Hills requests Commission approval to use the following forms of notice:

- Filing with the Commission, and keeping open for inspection, Advice Letter No. 861- Electric. The Company will also post on its website at the time of filing: (1) a Customer Notice attached to the Motion as Attachment 1 (Customer Notice) and (2) Advice Letter No. 861-Electric and its accompanying tariff sheet, for 30 days. The website posting will include a reference to the applicable proceeding number;
- Printing a message as set forth in the Motion on each applicable customer's bill providing the website URL for the Customer Notice and Advice Letter No. 861-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance, beginning within one week after the filing of Advice Letter No. 861-Electric. The bill messages will run for one full billing cycle; and
- Publishing the Customer Notice, with size dimensions of four columns width and 11 inches height, in three newspapers of general circulation for the service territory: (1) *The Pueblo Chieftain* (two consecutive Tuesdays, December 5th and December 12th, 2023); (2) the *Cañon City Daily Record* (two consecutive Fridays, December 8th and December 15th, 2023); and (3) the *Rocky Ford Daily Gazette* (two consecutive Thursdays, December 7th and December 14th, 2023).

4. Black Hills maintains that good cause exists for the Commission to approve the proposed alternative form of notice, and that it will avoid incurring the expenses that is entailed in other forms of statutory notice. The Company asserts the proposed alternative form of notice will be sufficient to ensure general notice to customers throughout the Company's service territory and that the proposed forms of notice are expeditious and economic for the Company's customers.

5. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 CCR 723-1-1207(b) of the Commission's Rules of Practice and Procedure, a utility may request to provide alternative forms of notice of a tariff change. We find the alternative forms of notice the Company proposes in the Motion will provide sufficient notice to its customers and will do so efficiently. We therefore find good cause to approve the alternative forms of notice that the Company requests.

II. ORDER

A. It Is Ordered That:

1. The Motion for Approval of Alternative Forms of Notice, filed by Black Hills Colorado Electric, LLC doing business as Black Hills Energy, on November 30, 2023, is granted.
2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 6, 2023.**

(SEAL)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners