

Decision No. C22-0612-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0230E

IN THE MATTER THE APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC FOR (1) APPROVAL OF ITS 2022 ELECTRIC RESOURCE PLAN AND CLEAN ENERGY PLAN, AND (2) APPROVAL OF ITS 2023-2026 RENEWABLE ENERGY STANDARD COMPLIANCE PLAN.

**INTERIM COMMISSION DECISION SCHEDULING
PUBLIC COMMENT HEARINGS**

Mailed Date: October 11, 2022

Adopted Date: October 5, 2022

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission schedules two public comment hearings on the Verified Application that Black Hills Colorado Electric, LLC (Black Hills or the Company) filed on May 27, 2022, for approval of (1) its 2022 Electric Resource Plan (ERP) and Clean Energy Plan (CEP) and (2) its 2023-2026 Renewable Energy Standard (RES) Compliance Plan (the Application).

B. Discussion

2. Black Hills filed its Application in accordance with the Commission's ERP Rules set forth at 4 *Code of Colorado Regulations* (CCR) 723-3-3600, *et seq.* of the Commission's Rules Regulating Electric Utilities, as well as Senate Bill (SB) 19-236. The Commission's ERP Rules require a regular, periodic examination of an electric utility's energy sales and demand forecasts as compared to an assessment of its existing resources to ensure that sufficient generation will be

available to meet customer needs in the future. SB 19-236 requires that a utility's CEP filed as part of an ERP must reduce the utility's carbon dioxide associated with electricity sales by 80 percent from 2005 levels by 2030 and must seek to achieve providing its customers with energy generated from one-hundred-percent clean energy resources by 2050.¹

3. Black Hills asserts that its preferred resource plan is projected to produce a 90 percent reduction in carbon dioxide emissions from 2005 levels by 2030. Black Hills anticipates achieving these reductions by adding approximately 450 MW of new clean energy resources such as wind, solar, and battery storage.²

4. Regarding its 2023-2026 RES Plan, Black Hills states that its 2023-2026 RES Plan is designed to comply with various new requirements promulgated since the Company's last RES Plan was approved. At a high level, under the proposed RES Plan, Black Hills proposes to offer 12 MW of total incentivized on-site solar capacity, 16 MW of total community solar garden capacity, and 2.5 MW of estimated off-site solar capacity. Black Hills asserts that its proposed RES Plan makes an intentional shift to focusing on programmatic opportunities for income qualified (IQ) customers.

5. On August 9, 2022, Black Hills filed a consensus procedural schedule for this Proceeding. The consensus procedural schedule included a placeholder for a public comment hearing but left the date up to the Commission's discretion.

¹ § 40-2-125.5(1)(a), (3)(a).

² In particular, the Company projects to acquire 149 MW of wind, 258 MW of solar, and 50 MW of battery storage by 2030. (Hrg. Exh. 102, Attachment MJH-1, pp. 15).

6. In Decision No. C22-0494-I, issued August 18, 2022, we adopted, with modifications, the consensus procedural schedule. In so doing, we stated that the Commission will schedule any public comment hearings in this Proceeding via a future decision.

7. Given the importance of this Proceeding on issues such as rates, emissions, and IQ programs, and in anticipation of the Phase I evidentiary hearing beginning on January 30, 2023, we find it appropriate to schedule both an in-person public comment hearing and a remote public comment hearing. The in-person public comment hearing will take place on November 10, 2022, at the El Pueblo History Museum in Pueblo, Colorado. The in-person public comment hearing will run from 4:00 p.m. to 6:00 p.m., or until concluded by the Commission.

8. Members of the public will not be permitted to call in or otherwise participate remotely at the in-person public comment hearing. Depending on our availability, however, one or more Commissioners may attend the in-person public comment hearing remotely.

9. In addition, we will set a remote public comment hearing for January 19, 2023. This remote public comment hearing will also run from 4:00 p.m. to 6:00 p.m., or until concluded by the Commission. The January 19 hearing will be held using the web-hosted video conferencing service, Zoom. Members of the public cannot attend the remote public comment hearing in-person.

10. Additional information about participation in the public comment hearings, such as sign-up sheets, and all relevant information on how to log on to the remote public comment hearing will be made available on the Commission's public calendar at <https://puc.colorado.gov/puccalendar> closer to the hearing dates.

11. The public comment hearings will be transcribed live by a court reporter to create a written record of the comments received. Commenters should give their full name, and spell it, before they give their comments. In general, commenters will be called to speak in the order in

which they sign up. The presiding officer may adopt procedures and time limits for comments as necessary to ensure that all members of the public have opportunity to comment, and the transcribed record is clear and understandable. Typical time limits range from one to three minutes for each commenter. To ensure the hearing time is used efficiently, commenters are requested to avoid repetitive comments that re-state filed written comments or repeat oral comments already provided at hearing. As discussed below, written public comment can be filed at any time in the proceeding and will be afforded the same weight as oral comments. Finally, the purpose of a public comment hearing is to provide opportunity for members of the public to provide oral comments. To that end, parties to the Proceeding and their representatives are not permitted to present comments. Individuals may present comments on their own behalf.

12. The Commission will publicize the public comment hearings by press release, announce them on its public calendar, and make them known by other avenues to the extent resources are available.

13. The in-person public comment hearing as well as the remote public comment hearing will both be webcast on the Commission's website. This means that those persons wishing to observe but not participate in the public comment hearings may do so by watching the webcast. To observe a public comment hearing, enter this link in the web browser <https://puc.colorado.gov/webcasts> and select the audio or video option for Hearing Room A. The Commission encourages interested persons who do not wish to provide comments at the remote public comment hearing to observe it through the webcast rather than Zoom. Doing so will help minimize background noise during the hearing and may assist in the orderly progression of the hearing.

14. We remind the public that participating in the public comment hearings is not the only way to provide comments in this Proceeding. We encourage interested persons to provide written or oral public comments at any time this Proceeding is open. Public comments can be provided by:

- Submitting written comments through the Commission’s Electronic Filing System (E-Filings) at <https://www.dora.state.co.us/pls/efi/EFI.homepage>.
- Submitting written comments using the Commission’s online form or through email at dora_puc_website@state.co.us. These comments will be posted in E-Filings for this Proceeding.
- Mailing comments to the Commission’s offices at: Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, CO 80202.
- Calling (303) 869-3490 to leave oral comments (English and Spanish options).

Please include “Proceeding No. 22A-0230E” in public comments.

15. Finally, the Commission strives to accommodate all members of the public at its hearings and meetings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Requests for such accommodations should be made at least one week prior to the event by completing the [Language Access Form](#). Requests can also be made directly by contacting Holly Bise at 303.894.2024 or by emailing holly.bise@state.co.us. Simultaneous Spanish interpreting will be provided during the in-person public comment hearing on November 10, 2022.

II. ORDER

A. It Is Ordered That:

1. In accordance with the above, an in-person public comment hearing is scheduled in Pueblo, Colorado, as follows:

DATE: November 10, 2022

TIME: 4:00 p.m. through 6:00 p.m., or until concluded by the Commission

PLACE: El Pueblo History Museum
301 N. Union Avenue
Pueblo, Colorado 81003

2. Simultaneous Spanish interpreting will be provided during the in-person public comment hearing on November 10, 2022.

3. In accordance with the above, a remote public comment hearing is scheduled as follows:

DATE: January 19, 2023

TIME: 4:00 p.m. through 6:00 p.m., or until concluded by the Commission

PLACE: By video conference using Zoom.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 5, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners