

Decision No. R23-0179-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0483E

IN THE MATTER OF ADVICE LETTER NO. 834 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY TO INCREASE THE TRANSMISSION COST ADJUSTMENT RIDER, TO BECOME EFFECTIVE JANUARY 1, 2023.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
SUSPENDING THE EFFECTIVE
DATE OF TARIFF SHEETS, ESTABLISHING SCHEDULE,
ASSIGNING EXHIBIT NUMBER BLOCKS, AND
SCHEDULING REMOTE HEARING**

Mailed Date: March 15, 2023

I. STATEMENT

A. Procedural Background

1. On November 1, 2022, Black Hills Colorado Electric, LLC filed Advice Letter No. 834 with tariff sheets for 2023 Transmission Cost Adjustment (TCA).
2. By Decision No. C22-0831-I, the Commission set this matter for hearing, suspended the effective date of Black Hills' tariff sheets to May 1, 2023, and referred the matter to an Administrative Law Judge (ALJ).
3. On January 20, 2023, the Trial Staff of the Commission (Staff) timely intervened of right.

4. On March 7, 2023, the undersigned received informal correspondence from Staff’s counsel indicating that the parties have agreed on a procedural schedule, hearing date, and hearing method.

B. Hearing and Procedural Schedule

5. The undersigned informally invited the parties to propose a consensus procedural schedule. On March 7, 2023, the parties informally proposed a consensus procedural schedule and hearing date that are reasonable and will be adopted as ordered below.

6. The parties agreed to the following procedural schedule:

Due Date	Event
March 27, 2023	Submission of Direct Testimony
April 24, 2023	Submission of Answer Testimony
May 8, 2023	Submission of Rebuttal Testimony and Cross-Answer Testimony
May 11, 2023	Submission of Non-Testimonial Hearing Exhibits/Prehearing Motions
May 15, 2023	Submission of Response to Prehearing Motions/Witness and Cross-Examination Matrix
May 18-19, 2023	Evidentiary Hearing
June 16, 2023	Submission of Statements of Position

7. Neither party expressed a strong preference for the method by which the hearing will be conducted (i.e., in-person/remote/hybrid). The evidentiary hearing will be held remotely, which means that the participants will appear from remote locations. The participants may not appear at the hearing in-person. The remote evidentiary hearing will be held using the web-hosted service, Zoom.

8. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

9. Attachment A to this Interim Decision provides the information addressing how to use the Zoom platform for participating in the remote hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic evidence presentation at the remote hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

10. The parties are on notice that the ALJ will retain discretion to change the method by which the hearing will be conducted.

11. The Parties have further agreed to a seven-day response time for discovery requests related to Direct Testimony and Answer Testimony, and a three-days response time for discovery requests related to Rebuttal Testimony. These procedures are acceptable and will be adopted, as ordered below.

C. Hearing Exhibit Number Block Assignments

12. In order to efficiently organize the numbering and preparation of exhibits for the hearing, the parties must use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Black Hills is assigned hearing exhibit numbers 100 to 299; and
- Staff is assigned hearing exhibit numbers 300 to 399.

D. Further Suspending the Effective Date of Tariff Sheets

13. In its Advice Letter, Black Hills requested that its tariff pages become effective January 1, 2023. The Commission, in its discretion, referred the Advice Letter to a hearing, and pursuant to § 40-6-111(1), C.R.S., suspended the tariff pages' effective date for an additional 120 days, or up to and including May 1, 2023.¹

14. If the Commission in its discretion finds that additional time is necessary for a decision, the period of suspension may be extended an additional 130 days. *See* § 40-6-111(1)(b), C.R.S.

15. In order to facilitate the unopposed procedural schedule to which the parties have agreed, it is found necessary to extend the time for issuance of a Commission decision. The period of suspension of the proposed tariff sheets shall be extended by an additional 130 days up to and including September 8, 2023.

II. ORDER

A. It Is Ordered That:

1. The proposed January 1, 2023 effective date of the tariff sheets filed with Advice Letter No. 834 filed by Black Hills Colorado Electric, LLC (Black Hills) on November 1, 2022, is further suspended by an additional 130 days, until September 8, 2023, or until further order of the Commission.

2. The following procedural schedule is adopted:

¹ Decision No. C22-0831.

Due Date	Event
March 27, 2023	Submission of Direct Testimony
April 24, 2023	Submission of Answer Testimony
May 8, 2023	Submission of Rebuttal Testimony and Cross-Answer Testimony
May 11, 2023	Submission of Non-Testimonial Hearing Exhibits/Prehearing Motions
May 15, 2023	Submission of Response to Prehearing Motions/Witness and Cross-Examination Matrix
May 18-19, 2023	Evidentiary Hearing
June 16, 2023	Submission of Statements of Position

3. A remote hearing is scheduled as follows:

DATE: May 5-6, 2023

TIME: 9:00 a.m. to 5:00 a.m., daily

WEBCAST: Commission Hearing Room B

METHOD: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge OR Commission Staff²

4. Discovery will be in accordance with the Commission’s Rules of Practice and Procedure, 4 Code of Colorado Regulations 723-1, except as modified by this Order:

a. Response time to discovery requests related to Direct Testimony and Answer Testimony is shortened to seven days.

b. Response time to discovery requests related to Rebuttal or Cross-Answer Testimony is shortened to three days.

² Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

5. No one should attend the hearing in person.
6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director