

Decision No. C25-0193

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0013EG

IN THE MATTER OF A REPOSITORY PROCEEDING FOR THE FILING OF ELECTRIC AND GAS LOW-INCOME PROGRAMS ANNUAL REPORTS PURSUANT TO RULES 4 CCR 723-3-3412 AND 4 CCR 723-4-4412.

**COMMISSION DECISION GRANTING EXTENSION FOR
NEXT THIRD-PARTY EVALUATION OF BILL
ASSISTANCE PROGRAMS AND CLOSING PROCEEDING**

Issued Date: March 19, 2025
Adopted Date: March 12, 2025

I. BY THE COMMISSION

A. Statement

1. By this Decision, we extend the deadline for the next triennial evaluation of utility income-qualified bill assistance programs required pursuant to Rule 3412(k), 4 *Code of Colorado Regulations* (“CCR”) 723-3, and Rule 4412(k), 4 CCR 723-4, and close this Proceeding.

B. Discussion

2. This Proceeding was opened Administratively on January 3, 2023, to serve as a repository for annual reports on Percentage of Income Payment Plan (“PIPP”) programs as well as to receive the most recent evaluation of utilities’ PIPP programs pursuant to Electric Rule 3412(k) and Gas Rule 4412(k). Through Decision No. C23-0095, issued February 9, 2023, the Commission set a scope for this Proceeding, which recognized the intent “to initiate a broader conversation about overall efforts to support our most disadvantaged customers at a time when volatile natural gas prices have created significant affordability issues.”¹

¹ Decision No. C23-0095 at ¶ 1.

3. On April 5, 2024, the Colorado Energy Office (“CEO”) filed the third-party evaluation of utility PIPP programs (“2024 PIPP Evaluation Report”). Its author, GDS Associates, Inc., drew upon in-depth interviews, research on peer programs, analysis of deidentified participant data, online and written surveys, and focus groups, to develop its findings and recommendations. The 2024 PIPP Evaluation Report covered a period from November 1, 2019, through October 31, 2022. Participants subsequently filed comments on the 2024 PIPP Evaluation Report.

4. Over the course of this Proceeding, we have also hosted multiple Commissioner Information Meetings (“CIMs”) which have addressed income-qualified energy bill assistance programs and energy programs offered by federal, state, local, utility, and nonprofit organizations.

5. On October 25, 2024, we hosted a CIM to discuss preparations being made by assistance providers for the current winter heating season. During that CIM, we heard from Staff of the Public Utilities Commission (“Staff”) involved in the implementation of the Utility Bill Help (“UBH”) program, which connects individuals who are seeking utility bill assistance directly to utility providers based on qualifications for Colorado Department of Human Services programs. Staff’s collaborative work on the UBH program has added significant depth to the growing body of information about the effectiveness of utility income-qualified programs.

6. On January 7, 2025, in Proceeding No. 25M-0003ALL, we held a cross-proceeding CIM where we engaged in dialogue with Staff regarding potential next steps and priorities for work on income-qualified energy bill assistance and energy programs in 2025. Among the topics we discussed were our desire to understand how to better coordinate with the numerous entities involved in energy assistance to improve customers’ experience enrolling for benefits; whether there are additional opportunities to ensure that people who are potentially income-eligible but experience barriers to enrollment processes are able to receive needed support; and what

opportunities might exist to coordinate our efforts around equity programs and income-qualified programs. Staff presented a suite of potential actions for the Commission to consider by future decisions, including creation of various miscellaneous proceedings or rulemakings. In particular, Staff raised the concern that to enable the Commission to consider modifications to utility PIPP programs, it could be beneficial to explore whether the timeline for the next triennial evaluation should be extended. Based on current rules, Staff indicated that the next evaluation process would need to begin in late 2025 to cover a three-year program evaluation period of November 1, 2022, through October 31, 2025.² However, Staff is still assessing the recommendations made in the most recent evaluation and we have not yet initiated any changes to program rules.

7. Resulting from this CIM, on January 27, 2025, we issued Decision No. C25-0053-I, by which we sought comments from electric and gas utilities regarding whether to extend the timeline for the next triennial evaluation, and if other practical issues needed to be addressed as part of a waiver or variance. We directed utilities to confer with CEO and other stakeholders as appropriate.

8. On February 13, 2025, Public Service Company of Colorado timely filed a response joined by Atmos Energy Corporation, Black Hills Colorado Electric, LLC, Black Hills Colorado Gas, Inc., and Colorado Natural Gas, Inc. (collectively, the “Utilities”). The Utilities state that they conferred with CEO and agree with the Commission’s proposal to extend the timeline for the next triennial evaluation. Given the potential that the Commission may consider further changes to rules regarding PIPP programs, which could impact the next triennial evaluation, the Utilities recommend the Commission adopt one of two approaches. First, it could delay the next triennial

² Income-Qualified Bill Assistance and Energy Programs: 2025 Work Plan (filed January 8, 2025), at slide 39.

evaluation at least one year after the new rules take effect, to allow for programmatic adjustments to occur. Alternatively, the Commission could delay the next triennial evaluation to begin on November 1, 2026, if rules are not adopted. The Utilities further state their belief that it would be prudent to maintain funds set aside for the 2022-2025 evaluation period until such time as the budget for a next triennial evaluation is determined. Remaining funds could be directed to program operations at that point.

C. Findings and Conclusions

9. Pursuant to Rule 1003(a), 4 CCR 723-1, the Commission may, for good cause shown, grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions.

10. We find good cause to allow an extension of the deadlines set forth in Electric Rule 3412(k) and Gas Rule 4412(k) and to defer the filing of the next triennial evaluation of income-qualified bill assistance until the earlier of November 1, 2026, or until a new deadline is established through a rulemaking proceeding. Accordingly, the next program evaluation period shall extend from November 1, 2026, through October 31, 2029, at which point the evaluation process can be initiated and a consultant identified. We agreed with the Utilities that this should promote reasonable efficiencies in the process, and we further expect that this will allow for a robust exploration of what changes might be merited for such an important customer program. We also acknowledge Utilities' comments that funds for the next evaluation can continue to be maintained until their use is directed for the next triennial evaluation or for program operations.

11. This Proceeding has served as a meaningful venue to receive reports on income-qualified bill assistance, learn about related programs, promote collaboration across

entities, hear best practices, and collect stakeholder feedback on potential next steps. Accordingly, we find that it has served its purpose and can be closed.

12. We understand that Staff will be bringing forward additional updates regarding bill assistance, income-qualified programs, and issues related to equity and disproportionately impacted communities for our future consideration. These actions could include stakeholder engagement, pre-rulemaking, rulemaking, or other activities, but are likely to stage the activities proposed in Staff's January 27, 2025, CIM presentation over a longer period rather than compressing them into a single stakeholder engagement process this year. We recognize that with caseload, the experiences gathered through UBH implementation and the need for additional efforts to vet the recommendations in the 2024 PIPP Evaluation Report, this has been an evolving process. For purposes of stakeholders' ability to plan, we anticipate that additional steps may be required during 2025 before it will be feasible to initiate a formal rulemaking regarding specific changes PIPP programs.³

II. ORDER

A. The Commission Orders That:

1. The deadline for the next triennial evaluation of utility income-qualified bill assistance programs required pursuant to Rule 3412(k), 4 *Code of Colorado Regulations* ("CCR") 723-3, and Rule 4412(k), 4 CCR 723-4, is extended, consistent with the discussion above.

2. The next program evaluation period shall begin on November 1, 2026, and end on October 31, 2029.

³ Questions regarding the anticipated scope and timing of pre-rulemaking and rulemaking activities may be directed to Kelly Crandall (kelly.crandall@state.co.us) and Tricia Anstey (tricia.anstey@state.co.us).

3. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration, begins on the first day following the effective date of this Decision

4. This Proceeding is hereby closed.

5. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 12, 2025.**

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ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners