

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23V-0072E

IN THE MATTER OF THE PETITION OF BLACK HILLS COLORADO ELECTRIC, LLC
D/B/A BLACK HILLS ENERGY, FOR AN ORDER GRANTING A ONE-TIME VARIANCE
TO FILE ITS 2022 DSM ANNUAL REPORT ON MAY 1.

COMMISSION DECISION GRANTING PETITION

Mailed Date: February 23, 2023
Adopted Date: February 15, 2023

I. BY THE COMMISSION

A. Statement

1. On February 10, 2023, Black Hills Colorado Electric, LLC (Black Hills or the Company) filed a Petition for a One-Time Variance to file its Demand Side Management Annual Report on May 1, 2023, rather than on April 1, 2023 (Petition). In addition, Black Hills requested a waiver of the Commission's notice and intervention period for the Petition.

2. Through this Decision, we waive the notice and intervention period for the Petition and grant the Petition.

B. Discussion

3. On April 30, 2021, Black Hills filed a Verified Application for Approval of its Electric Demand-Side Management (DSM) Plan for Program Years 2022 through 2024 in Proceeding No. 21A-0166E. Black Hills requested permission to continue the then-existing 2019 through 2021 DSM Plan until the 2022 through 2024 DSM Plan was approved.

4. On June 23, 2022, through Decision No. C22-0382, the Commission approved Black Hills' 2022 through 2024 DSM Plan.

5. In the Petition, Black Hills states that § 40-3.2-104(6), C.R.S., requires Black Hills to submit an annual DSM report to the Commission. Although the statute does not set a deadline for the filing of that report, Black Hills' Demand Side Management Cost Adjustment (DSMCA) Tariff provides that, on April 1 each year, the Company files an update to the DSMCA to reflect the Financial Disincentive Offset and the Performance Incentive and any over-or under-collection of the prior plan year DSMCA.

6. Black Hills states in the Petition that, due to additional complexity surrounding its DSM activities in 2022 under two different DSM Plans, the Company is requesting an extension to May 1, 2023 to file the report to provide additional time to incorporate results from both the continuation of the 2019 through 2021 DSM Plan as well as the 2022 through 2024 DSM Plan.

7. In support of the one-time variance, Black Hills states that it has conferred with all parties to Proceeding No. 21A-0166E and no party opposes the requested relief.

C. Findings and Conclusions

8. We find good cause to grant the Petition. We agree with Black Hills that the additional complexity surrounding the 2022 DSM activities under two different DSM plans supports a one-month extension. We further find good cause to waive the notice and intervention period for the Petition, since the Black Hills conferred with the parties to Proceeding No. 21A-0166E and the requested relief is unopposed by those parties.

II. ORDER**A. It Is Ordered That:**

1. The Petition for a One-Time Variance to file its Demand Side Management Annual Report on May 1, 2023, instead of April 1, 2023 filed by Black Hills Colorado Electric, LLC d on February 10, 2023 is granted. The notice and intervention period for the petition is waived, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 15, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners