

Decision No. C23-0154-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0530E

IN THE MATTER OF ADVICE LETTER NO. 1906 - ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 - ELECTRIC TARIFF TO INCREASE BASE RATE REVENUES, IMPLEMENT NEW BASE RATES FOR ALL ELECTRIC RATE SCHEDULES, AND MAKE OTHER TARIFF CHANGES, TO BECOME EFFECTIVE DECEMBER 31, 2022.

PROCEEDING NO. 22AL-0478E

IN THE MATTER OF ADVICE LETTER NO. 1902 - ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 - ELECTRIC TARIFF TO INCREASE THE TRANSMISSION COST ADJUSTMENT RIDER, TO BECOME EFFECTIVE JANUARY 1, 2023.

**INTERIM COMMISSION DECISION GRANTING
MOTION FOR EXTRAORDINARY PROTECTION**

Mailed Date: March 1, 2023

Adopted Date: March 1, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission to consider Public Service Company of Colorado's ("Public Service" or "the Company") November 20, 2022, motion requesting extraordinary protection of highly confidential information ("Motion"). No party has filed a response opposing the Motion or in any other way indicated its opposition to the Motion. Having considered the Motion, we now grant it.

B. Discussion

2. The company seeks to protect individual customer information and customer information that, when aggregated, remain granular enough that disclosure is prohibited by Commission Rule 3033(b), the “15/15 Rule”. As relevant here, Rule 3033(b) provides:

At a minimum, a particular aggregation must contain at least fifteen customers; and, within any customer class no single customer's customer data or premise associated with a single customer's customer data may comprise 15 percent or more of the total customer data aggregated per customer class to generate the aggregated data report (the “15/15 Rule”).

Public Service points out that some of the Company’s rate classes have fewer than 15 customers (or even a single customer). In those situations, the Company redacted the aggregate rate class information and provided it as highly confidential. The same is true for certain calculations used to derive base rate revenue that contain individual or aggregated customer-specific information which, if disclosed, would violate the 15/15 Rule.

3. Public Service proposes to treat this customer information as highly confidential, as well as any other customer-specific information sought through discovery or otherwise produced in this Proceeding whose disclosure would not comport with the 15/15 Rule. Public Service requests an order granting extraordinary protection to this highly confidential information, with access limited to the Commissioners, the Commission’s advisory staff and advisory attorneys, Trial Staff of the Commission and its attorneys, and the Colorado Office of the Utility Consumer Advocate and its attorneys. For all other parties, the Company will provide a public version of the information, redacting highly confidential information.

4. The Company proposes to keep this customer data highly confidential indefinitely and points out that this level of protection was afforded to similar customer data in the Company's last Phase I rate case.

5. Public Service prepared non-disclosure agreements for attorneys and subject matter experts, as required by Rule 1101(b)(V), and attached them to the Motion.

6. No party filed a response opposing the relief requested in the Motion.

C. Findings and Conclusions

7. We find the reasoning and arguments in the Motion persuasive. The Motion states good cause to grant the relief sought under Rule 1101. The Commission further finds that the requested protections are appropriate, are reasonable, and are consistent with the Commission's Rules and past practice. As we have indicated before, protecting customer data is of the utmost importance,¹ and here no party has indicated an objection to protecting the data Public Service identifies in the Motion.

8. Based on the foregoing, we grant the Motion and approve the non-disclosure agreements.

II. ORDER

A. The Commission Orders That:

1. The Motion for Extraordinary Protection of Highly Confidential Information filed on November 30, 2022, by Public Service Company of Colorado is granted.

¹ Decision No. C19-0621-I at ¶ 36, issued in Proceeding No. 19AL-0268E (Public Service Company of Colorado's 2019 Phase I rate case).

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 1, 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