

Decision No. C23-0368-I

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 2022 ELECTRIC AND GAS LOW-INCOME PROGRAMS ANNUAL REPORTS PURSUANT TO RULES 4 CCR 723-3-3412 AND 4 CCR 723-4-4412.

**INTERIM COMMISSION DECISION SETTING
NOTICE AND INTERVENTION PERIOD**

Mailed Date: May 31, 2023

Adopted Date: May 31, 2023

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. On May 22, 2023, the Colorado Energy Office (CEO) filed a Notice for Approval of Vendor Pursuant to Rules 3412(k) and 4412(k) (CEO's Filing). CEO requests that the Commission: (1) approve GDS Associates to serve as the third-party vendor for the triennial evaluation of utility low-income energy assistance programs; and (2) approve the contract between the third-party vendor and CEO.

2. The merits of CEO's request will be addressed in a future decision. This Interim Decision sets a notice and intervention period for this matter extending through June 5, 2023.

B. Findings and Conclusions

3. Adopted in their current form in 2017, Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-3-3412(k) Rules Regulating Electric Utilities and 4 CCR 723-4-4412(k) Rules Regulating Gas Utilities and Pipeline Operators require a triennial evaluation of qualifying retail utilities' low-income programs. Specifically, under Rules 3412(k) and 4412(k), a third-party vendor is to conduct a triennial evaluation of low-income energy assistance programs operated by qualifying retail utilities.

4. Under Rules 3412(k) and 4412(k), CEO works with stakeholders to procure the third-party vendor: "Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders . . . in the design of the requirements regarding study focus and final reporting." Rule 3412(k)(I), Rule 4412(k)(I).

5. While the procurement of the third-party vendor is the responsibility of CEO, Rules 3412(k)(II) and 4412(k)(II) establish that such procurement is subject to Commission approval: "Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days." Rule 3412(k)(II), Rule 4412(k)(II).

6. This is the second triennial evaluation under Rules 3412(k) and 4412(k), with the prior evaluation report being filed within Proceeding No. 20M-0013EG.

7. CEO's Filing describes its engagement with interested stakeholders and with the Commission to establish a statement of work and third-party vendor contract, and select a

third-party vendor. In addition to working directly with Staff to draft the statement of work, CEO sought input from the Commission during a Commissioners' Information Meeting on February 22, 2023, and filed the statement of work in Proceeding No. 23M-0013EG for informational purposes. CEO issued a solicitation for a third-party vendor which was reviewed by a selection committee including representatives from CEO and Staff. On April 25, 2023, the selection committee selected GDS Associates to serve as the third-party vendor.

8. CEO conferred with the following stakeholders and is authorized to state that all either support or do not oppose its requests: Staff; Public Service Company of Colorado; Black Hills Colorado Electric, LLC; Black Hills Colorado Gas, Inc.; Atmos Energy Corporation; Colorado Natural Gas, Inc.; the Utility Consumer Advocate; Energy Outreach Colorado; and the Low-Income Energy Assistance Program.

9. Because the relief requested is unopposed by these stakeholders, CEO also requests a waiver of notice response time to its request.

10. To help ensure that all entities interested in the selection of the third-party vendor and the approval of the third-party vendor contract are aware of this proceeding, the Commission finds that setting a formal notice and intervention period in this matter is necessary. The particular nature of this proceeding and CEO's prior consultation with stakeholders make a shortened period for notice and intervention appropriate. Accordingly, the Commission sets a notice and intervention period through Monday, June 5, 2023.

11. CEO's Filing is available for public inspection by accessing the Commission's E-Filing system under the above proceeding number at puc.colorado.gov. **This Decision is the notice that CEO's Filing seeking Commission approval of GDS Associates as the third-party vendor and the third-party vendor contract has been filed.**

12. The Commission notice period for CEO's Filing shall extend through and including 5:00 p.m. on June 5, 2023. The intervention period will run concurrent with the notice period. Interventions are due by 5:00 p.m. on June 5, 2023.

II. ORDER

A. It Is Ordered That:

1. The notice period for the Notice for Approval of Vendor Pursuant to Rules 3412(k) and 4412(k) filed by the Colorado Energy Office (CEO) on May 22, 2023, shall extend through and including **5:00 p.m. on June 5, 2023**, consistent with the discussion above. CEO's request to waive notice is therefore denied.

2. Any person desiring to intervene or participate as a party in this proceeding shall file a petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party by **5:00 p.m. on June 5, 2023**.

3. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may submit public comments through the options provided on the Commission's website at puc.colorado.gov. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

4. If a party does not meet the requirements of this Decision, the Commission may dismiss or strike the application or intervention upon motion filed by any other party, or upon the Commission's own motion, unless good cause for failure to meet the requirements is shown.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 31, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners