

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23AL-0505E

IN THE MATTER OF ADVICE LETTER NO. 854 - ELECTRIC FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY TO REVISE ITS COLORADO P.U.C. NO. 11 - ELECTRIC TARIFF TO DECREASE THE ELECTRIC DEMAND-SIDE MANAGEMENT COST ADJUSTMENT (DSMCA), TO BECOME EFFECTIVE JANUARY 1, 2024.

**INTERIM COMMISSION DECISION GRANTING
REQUEST FOR ALTERNATIVE FORMS OF NOTICE**

Mailed Date: October 20, 2023
Adopted Date: October 18, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On October 12, 2023, Black Hills Colorado Electric, LLC (Black Hills or Company) filed a Motion for Approval of Alternative Forms of Notice (Motion) to apply to Advice Letter No. 854-Electric. By Advice Letter No. 854-Electric, Black Hills seeks to amend its Demand Side Management Cost Adjustment (DSMCA) calculation inputs, contained on Tariff Sheet No. 71 in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. The DSMCA is applicable to all retail customers. Black Hills states the proposed tariff amendment will decrease the DSMCA rate from 2.15 percent to 2.14 percent, beginning January 1, 2024.

2. In the Motion, Black Hills also explains that, while this Motion pertains to only its request for alternative forms of notice for its DSMCA revisions, the Company intends to file separate Advice Letter filings (On November 1, November 15, and November 30, 2023) to amend

other portions of its Tariff concerning its Transmission Cost Adjustment (TCA), Purchased Capacity Cost Adjustment (PCCA), and Energy Cost Adjustment (ECA), all of which will be proposed to be effective January 1, 2024. Black Hill states, given the annual requirements to revise its DSMCA, TCA, PCCA, and ECA, the Company proposes to provide a single, combined notice for these several tariff changes to its customers. Black Hills explains, given the number of rate adjustments proposed to be effective in January 2024, and to avoid customer confusion, it proposes to consolidate the three rate adjustments into one Customer Notice. Black Hills reasons that consolidating the rate adjustments into one Customer Notice will assist customers in understanding the full scope of impacts associated with these amendments to its DSMCA, TCA, PCCA, and ECA. Black Hills notes the Commission has previously approved consolidated noticing for changes to the TCA, PCCA, and ECA and requests approval to do so again. Black Hills states it will file separate requests to approve the consolidated alternative forms of notice with each subsequent Advice Letter filing.

3. Black Hills moves pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and Rule 1207(b), 4 *Code of Colorado Regulations* (CCR) 723-1, of the Commission's Rules of Practice and Procedure, to provide alternative forms of notice for the Company's filing to its customers. Black Hills requests Commission approval to use the following forms of notice:

- Filing with the Commission, and keeping open for inspection, Advice Letter No. 854-Electric, which amends Black Hills' DSMCA calculation inputs, on Tariff Sheet No. 71, in the Rates section of the Company's Colo. PUC. No. 11-Electric Tariff.

- Black Hills will also post on its website at the time of filing: (1) a Customer Notice¹ attached to the Motion as Attachment 1, and (2) Advice Letter No. 854-Electric and its accompanying tariff sheet, for 30 days. The website posting will include a reference to the applicable proceeding number.
- Printing a message on each applicable customer's bill providing the website URL for the Customer Notice and Advice Letter No. 854-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance, beginning within one week of the filing of Advice Letter No. 854-Electric. The bill messages will run for one full billing cycle.
- Publishing a legal notice of the DSMCA, TCA, PCCA, and ECA Advice Letters following the ECA filing on November 30, 2023 (*i.e.*, Attachment 1 to the Motion), with size dimensions of four columns width and 11 inches height, in three newspapers of general circulation for the service territory: 1) *The Pueblo Chieftain* (two consecutive Tuesdays, December 5 and December 12, 2023); 2) the *Cañon City Daily Record* (two consecutive Fridays, December 8 and December 15, 2023); and 3) the *Rocky Ford Daily Gazette* (two consecutive Thursdays, December 7 and December 14, 2023).

4. Black Hills maintains that good cause exists for the Commission to approve the proposed alternative forms of notice and that it will avoid incurring the expenses that is entailed in other forms of statutory notice. The Company concludes the proposed alternative forms of notice will be sufficient to alert affected and interested parties to the tariff changes the Company is proposing, including by providing notice of the estimated impact on average customers.

5. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 CCR 723-1-1207(b) of the Commission's Rules of Practice and Procedure, a utility may request to provide alternative forms of notice of a tariff change. We find the alternative forms of notice the Company proposes in the

¹ Black Hills states that the proposed Customer Notice includes amendments and impacts of the DSMCA, TCA, PCCA, and ECA filings that have or will be proposed to be effective January 1, 2024, so as to provide customers with complete and comprehensive notice of the rate changes that Black Hills is proposing. Black Hills states the Customer Notice will explain each adjustment and overall bill impact to customers. Finally, Black Hills states the Customer Notice will be posted after the November 30, 2023, filing of the ECA Advice Letter, so that it will provide notice to customers of all the rate changes associated with its DSMCA, TCA, PCCA, and ECA filings.

Motion will provide sufficient notice to its customers and will do so efficiently. We therefore find good cause to approve the alternative forms of notice that the Company requests.

II. ORDER

A. It Is Ordered That:

1. The Motion for Approval of Alternative Forms of Notice, filed by Black Hills Colorado Electric, LLC, on October 12, 2023, is granted.

2. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING October 18, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners