

Decision No. R23-0169-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0557EG

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES
REGULATING ELECTRIC UTILITIES, 4 CODE OF COLOADO REGULATIONS 723-3,
AND RULES REGULATING GAS UTILITIES, 4 CODE OF COLORADO REGULATIONS
723-4, PURSUANT TO HOUSE BILL 22-1018.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
CONTINUING PUBLIC COMMENT HEARING,
SCHEDULING CONTINUED PUBLIC COMMENT
HEARING, AND SETTING DEADLINES FOR
ADDITIONAL WRITTEN COMMENTS**

Mailed Date: March 9, 2023

I. STATEMENT

A. Background

1. On December 15, 2022, the Colorado Public Utilities Commission (PUC or Commission) initiated this proceeding by issuing a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Electric Utilities (Electric Rules), 4 *Code of Colorado Regulations* (CCR) 723-3, and the Rules Regulating Gas Utilities (Gas Rules), 4 CCR 723-4.¹ The NOPR proposed changes to the aforementioned rules, described those changes in detail and the

¹ Decision No. C22-0815, issued Dec. 21, 2022.

justification therefor, attached the proposed amended Rules in legislative (i.e., strikeout/underline) format and in a clean version, established deadlines of January 31, 2023, and February 14, 2023, for initial comments and response comments concerning the proposed rules, respectively, and scheduled a remote public comment hearing for February 27, 2023, at 11:30 a.m. for oral comments regarding the proposed rules. The NOPR also referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

2. The Office of the Utility Consumer Advocate (UCA), Energy Outreach Colorado (EOC), Public Service Company of Colorado (Public Service), Colorado Natural Gas, Inc. (CNG), and Black Hills Colorado Electric, LLC, and Black Hills Colorado Gas, Inc., doing business as Black Hills Energy (collectively Black Hills) filed initial comments. Public Service, CNG, and Black Hills, as well as Atmos Energy Corporation filed reply comments.

3. The ALJ held the remote public comment hearing as scheduled on Monday, February 27, 2023, at 11:30 a.m. Participants in the hearing offered their comments concerning affordability of gas and electric utilities, availability of assistance programs, remote disconnection, the costs associated with remote versus “truck roll” disconnection, as well as initiatives commenced by Governor Polis and the General Assembly to address the affordability of gas and electric utilities. Based on the topical nature of these issues, the ALJ proposed holding an additional public comment hearing. Several of the participants at the hearing agreed that an additional hearing is warranted, and others requested the opportunity to provide additional written comments. No one objected to these proposals.

B. Continued Public Comment Hearing

4. The ALJ therefore finds that an additional public comment hearing in this Proceeding is both warranted and necessary. During the February 27, 2023, public comment hearing, the ALJ announced that the hearing will be continued to April 4, 2023, at 11:30 a.m. This Interim Decision memorializes the continuance of the proceeding and schedules the continuation of the remote public comment hearing for April 4, 2023, at 11:30 a.m.

C. Additional Written Comments

5. On February 15, 2023, UCA filed amended initial comments with attachment. Further, on the morning of the public comment hearing, February 27, 2023, UCA filed a notice attaching the following additional documents: a directive issued by Governor Polis on February 6, 2023; a copy of House Bill 22-1018; and a copy of Commission Decision No. C23-0095, issued February 9, 2023, which scheduled a Commissioners' Information Meeting (CIM) for February 22, 2023, to discuss gas and electric affordability issues.

6. During the February 27, 2023, public comment hearing in this Proceeding, other Participants asked for the opportunity to submit additional written comments to respond to UCA's February 15 and 27, 2023, filings. No Participants objected to this request.

7. The undersigned ALJ therefore announced at the February 27, 2023, public comment hearing that interested persons and/or entities may file additional responsive comments on or before March 21, 2023. Any replies to the additional responsive comments must be filed no later than March 28, 2023.

D. Edits to Proposed Rules

8. Based on Participants' written comments received before the February 27, 2023, public comment hearing, and verbal comments made during the hearing, the undersigned ALJ proposes edits to the Rules attached to the NOPR. To facilitate further discussion and for ease of reference, the undersigned ALJ's additional edits have been incorporated into the Commission's clean copies of the proposed Rule changes, which were attached as Attachments B and D to Decision No. C22-0815. These further amended Rules attached to this Interim Decision are intended for discussion purposes only and should not be considered final versions of the proposed changes to the Rules. Attachment A to this Interim Decision is a red-lined version of the Commission's clean copy of the Electric Rules. Attachment B to this Interim Decision is a red-lined version of the Commission's clean copy of the Gas Rules.

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

1. The public comment hearing in Proceeding No. 23R-0557EG is continued.
2. The continued remote public comment hearing on the proposed revisions to the Electric Rules and Gas Rules is scheduled as follows:

DATE: April 4, 2023

TIME: 11:30 a.m.

PLACE: By video conference: using the Zoom web conferencing platform at a link in the calendar of events on the Commission's website, available at <https://puc.colorado.gov/puccalendar>.

3. Interested persons may file additional or supplemental written comments in this matter. Additional responsive comments should be submitted no later than **March 21, 2023**.

Any comments replying to the additional responsive comments should be submitted no later than **March 28, 2023.**

4. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in black ink, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge