

Decision No. C23-0267

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 22D-0461E

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IN THE MATTER OF THE VERIFIED PETITION OF TRIAL STAFF OF THE COMMISSION FOR A DECLARATORY ORDER REGARDING PUBLIC SERVICE COMPANY OF COLORADO'S DELAY IN DEPLOYING ADVANCED METERS FOR NET-METERED CUSTOMERS.

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**COMMISSION DECISION  
GRANTING COMMISSION TRIAL STAFF'S  
APPLICATION FOR  
REHEARING, REARGUMENT, OR RECONSIDERATION**

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Mailed Date: April 25, 2023  
Adopted Date: April 19, 2023

**I. BY THE COMMISSION**

**A. Statement**

1. On October 25, 2022, Staff of the Colorado Public Utilities Commission (Staff) filed a petition for a declaratory order asking the Commission to resolve an alleged uncertainty as to whether Public Service Company of Colorado (Public Service or the Company) should be permitted to delay installing advanced meters for customers who take service with net metering.

2. By Decision No. C23-0184, issued on March 15, 2023, the Commission declined to accept the petition for a declaratory order but nevertheless addressed the concerns raised by Staff through other means. For example, the Commission instructed Staff to closely monitor the roll out of the advanced meters to customers who net meter and to report back to the Commission regarding the Company's progress.

3. On April 4, 2023, Staff filed an application for rehearing, reargument, or reconsideration of Decision No. C23-0184 (RRR Application). Staff asks the Commission to modify Paragraph 23 and Ordering Paragraph 3 of Decision No. C23-0184 so that the Company, rather than Staff, must report every two months on the roll out of the advanced meters and the Company's communications to net metered customers regarding their transition to a time-of-use (TOU) rate configuration.

4. By this Decision, we grant Staff's RRR Application.

**B. Staff's RRR Application**

5. Staff states in its RRR Application that Decision No. C23-0184 places Staff in the untenable position of being required to monitor and report on Public Service's deployment of advanced meters and communications to net metered customers where all of the relevant information regarding those activities is controlled by Public Service. Staff further states that it has no way of verifying the accuracy or completeness of any information provided by the Company.

6. Staff states in its RRR Application that the only way for Staff to obtain the information the Commission wants is to serve audit questions on Public Service and then pass on the Company's responses to the Commission. Staff further explains that the audit responses would likely be deemed confidential by Public Service and that confidentiality would make the disclosure of the information by Staff more difficult. Staff argues that it seems inefficient to require Staff to file bi-monthly reports and would instead be more efficient to simply order the Company to file the reports.

7. Staff devotes much of its RRR pleading to support its position that Staff had attempted for several months to obtain similar information from Public Service before filing its petition for a declaratory order, but was unable to do so. Staff asks that the Commission take this history into account and place the responsibility of filing reports with accurate and complete information on Public Service.

8. Staff asks the Commission to modify Paragraph 23 and Ordering Paragraph 3 of Decision No. C23-0184 so that the Company, instead of Staff, must report every two months on the roll out of the advanced meters and the Company's communications to net metered customers regarding their transition to a TOU rate configuration. Because we are modifying our previous decision, the first report must be filed by May 15, 2023.

**C. Findings and Conclusions**

9. We find good cause to grant Staff's RRR Application.

10. We modify Paragraph 23 and Ordering Paragraph 3 of Decision No. C23-0184 so that Public Service, instead of Staff, must report every two months on the roll out of the advanced meters and the Company's communications to net metered customers regarding their transition to a TOU rate configuration. We look forward to Public Service's first report to be filed no later than May 15, 2023.

**II. ORDER**

**A. The Commission Orders That:**

1. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C23-0184 filed by Staff of the Colorado Public Utilities Commission (Staff) on April 4, 2023, is granted, 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  
April 19, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,  
Interim Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners