

Decision No. C23-0347-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0025E

IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC FOR COMMISSION APPROVAL OF AN ALTERNATE ELECTRIC VEHICLE CHARGING RATE.

**INTERIM COMMISSION DECISION
MODIFYING PROCEDURAL SCHEDULE**

Mailed Date: May 24, 2023

Adopted Date: May 24, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. Through this Decision, the Commission addresses the Notice of Non-Unanimous Comprehensive Settlement in Principle and Unopposed Motion to Amend Procedural Schedule, filed by Black Hills Colorado Electric, LLC (Black Hills or the Company) on May 23, 2023.

2. Black Hills states the Company, the Colorado Energy Office, Electrify America, LLC, and ChargePoint, Inc. (collectively, the Settling Parties) have reached a comprehensive settlement in principle resolving all issues in this Proceeding. Black Hills indicates that Trial Staff of the Commission (Staff) opposes the settlement. Black Hills states the Settling Parties intend to file a formal written settlement agreement by May 26, 2023, along with supporting testimony by June 2, 2023. Black Hills indicates that Staff will file its testimony opposing the settlement also by June 2, 2023.

3. Black Hills makes two procedural requests. First, that the Commission extend the deadline for the filing of the settlement agreement by three days, to May 26, 2023. And second, that the Commission vacate the second day of hearing, originally scheduled for the afternoon of June 21, 2023, as unnecessary. Black Hills states that all parties agree to these modifications to the procedural schedule. Black Hills requests the Commission waive response time, since the amendments to the procedural schedule are unopposed.

4. The Commission finds good cause to make the following two modifications to the procedural schedule established by prior Decision No. C23-0199-I: (1) the deadline to file the settlement agreement is extended to May 26, 2023; and (2) the first day of the evidentiary hearing scheduled in this matter, June 20, 2023, is vacated as unnecessary.

5. The Commission will convene the hearing in this matter on June 21, 2023, starting at 1:00 p.m. This will be an evidentiary hearing for the purposes of admitting pre-filed testimony and exhibits along with any filed settlement agreement and supporting or opposing testimony, providing opportunity for cross-examination of witnesses, and providing opportunity for Commissioner questioning of witnesses.

II. ORDER

A. **It Is Ordered That:**

1. The Unopposed Motion to Amend Procedural Schedule, filed by Black Hills Colorado Electric, LLC on May 23, 2023, is granted, in part, and denied, in part, consistent with the discussion above. Response time to the motion is waived.

2. The deadline for parties to file a settlement agreement in this Proceeding is extended to May 26, 2023.

3. The hearing scheduled for June 20, 2023, by prior Decision No. C23-0199-I, is vacated.

4. A remote evidentiary hearing in this Proceeding is scheduled as follows:

DATE: June 21, 2023

TIME: 1:00 p.m. to 5:00 p.m.

PLACE: Join by videoconference using Zoom at the link to be provided by e-mail

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 24, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners