

Decision No. C23-0501

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0230E

IN THE MATTER OF THE APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC FOR (1) APPROVAL OF ITS 2022 ELECTRIC RESOURCE PLAN AND CLEAN ENERGY PLAN, AND (2) APPROVAL OF ITS 2023-2026 RENEWABLE ENERGY STANDARD COMPLIANCE PLAN.

**COMMISSION DECISION APPROVING THE REVISED
SCOPE OF WORK CONTRACT FOR PROPOSED
INDEPENDENT EVALUATOR**

Mailed Date: July 31, 2023
Adopted Date: July 20, 2023

I. BY THE COMMISSION

A. Statement

1. This Decision approves the Revised Scope of Work Contract for Proposed Independent Evaluator (IE) that Black Hills Colorado Electric, LLC (Black Hills or the Company) filed on July 19, 2023.

B. Discussion

2. On May 27, 2022, Black Hills filed its 2022 Electric Resource Plan (ERP) and the 2023-2026 Renewable Energy Standard (RES) Compliance Plan. Also on May 27, 2022, Black Hills filed a Motion for Approval of an IE. In this Motion for IE Approval, Black Hills sought Commission approval of Accion Group, LLC (Accion) as the IE.

3. In Decision No. C22-0588-I,¹ the Commission deferred ruling on Black Hills' Motion for IE Approval because Black Hills had not yet negotiated a scope of work with Accion. The Commission directed Black Hills to file a scope of work contract pursuant to Rule 3612(b) before the scheduled start of the evidentiary hearing.

4. On January 13, 2023, Black Hills filed an Unopposed Motion to Approve a Unanimous Comprehensive Settlement Agreement (Unopposed Motion to Approve the Settlement Agreement), which included the Unanimous Comprehensive Settlement Agreement (Settlement Agreement).

5. On January 19, 2023, Black Hills filed the required IE scope of work contract.

6. In Decision No. C23-0193,² the Commission granted, in part, the Unopposed Motion to Approve the Settlement Agreement and granted, in part and with modifications, the Application for Approval of the 2022 ERP and CEP and 2023-2026 RES Compliance Plan.

7. However, in Decision No. C23-0193, the Commission also found that the scope of work contract that Black Hills submitted failed to address important regulatory requirements, including Rule 3612(b), Rule 3612(d), and Rule 3613(e). We required Black Hills to Revise the IE scope of work contract to incorporate the necessary regulatory requirements, confer with Trial Staff of the Colorado Public Utilities Commission (Staff) and the Colorado Office of Utility Consumer Advocate (UCA) on the revised scope of work, and file the revised scope of work after Black Hills, Staff, and UCA have reached a consensus. We granted, in part and with modifications,

¹ Issued September 21, 2022.

² Issued March 22, 2023.

the Motion for IE Approval and stated that the Commission will consider whether to approve Accion as the IE for this Proceeding after evaluating the revised scope of work.³

8. On July 19, 2023, Black Hills filed a Revised Scope of Work Contract for Proposed IE. Black Hills states that the Company has revised the IE scope of work contract to incorporate the necessary regulatory requirements in accordance with Decision No. C23-0193 and that UCA and Staff approve of the revised scope of work.

9. The Commission approves the revised scope of work that Black Hills filed on July 19, 2023. We appreciate that Black Hills, Staff, and UCA unanimously support the revised scope of work, and we find that it incorporates the necessary regulatory requirements consistent with the directives of Decision No. C23-0193.⁴ In accordance with Decision No. C23-0193 in which we granted, in part, the Motion for IE Approval, Accion is the approved IE for Phase II of this Proceeding.

II. ORDER

A. The Commission Orders That:

1. The Revised Scope of Work Contract for Proposed Independent Evaluator that Black Hills Colorado Electric, LLC (Black Hills or the Company) filed on July 19, 2023, is approved, consistent with the discussion above.

³ Decision No. C23-0193 at pp. 30, 35.

⁴ We note that the revised scope of work recites the requirement in Rule 3612(f) for a procedural conference to establish procedures related to questions to the IE. For clarity, this language does not modify our directives in Decision No. C23-0193 specifying that any party that desires to ask questions about the IE's filings must first file a motion requesting authorization. (*See* Decision No. C23-0193 at p. 31).

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
July 20, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners