

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23AL-0243E

IN THE MATTER OF ADVICE LETTER NO. 1923 - ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 - ELECTRIC TARIFF TO PLACE INTO EFFECT REVISED BASE RATES AND OTHER AFFECTED CHARGES FOR ALL ELECTRIC RATE SCHEDULES BY ELIMINATING THE GENERAL RATE SCHEDULE ADJUSTMENT (GRSA) AND GENERAL RATE SCHEDULE ADJUSTMENT - ENERGY (GRSA-E) AS WILL BE ESTABLISHED BY THE COMMISSION IN PROCEEDING NO. 22AL-0530E, TO INITIATE TIME-DIFFERENTIATED GENERATION AND TRANSMISSION DEMAND CHARGES FOR SECONDARY GENERAL SERVICE (SCHEDULE SG) AND SECONDARY GENERAL CRITICAL PEAK PRICING SERVICE (SCHEDULE SG-CPP), TO INTRODUCE NEW ELECTRIC VEHICLE RATE OPTIONS FOR CUSTOMERS TAKING SERVICE AT THE PRIMARY DISTRIBUTION LEVEL, TO ADJUST THE PRIMARY GENERAL CRITICAL PEAK PRICING AND SECONDARY PHOTOVOLTAIC TIME-OF-USE SERVICE SECTION TIME-DIFFERENTIATED DEMAND CHARGES, TO MAKE SEVERAL ADMINISTRATIVE REVISIONS, AND TO RECEIVE APPROVAL OF DEFERRED ACCOUNTING TREATMENT FOR RATE CASE EXPENSES, TO BECOME EFFECTIVE JUNE 15, 2023.

**INTERIM COMMISSION DECISION GRANTING
MOTION FOR EXTRAORDINARY PROTECTION**

Mailed Date: August 21, 2023

Adopted Date: August 16, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission to consider Public Service Company of Colorado's ("Public Service" or "the Company") May 15, 2023 motion requesting extraordinary protection of highly confidential information ("Motion"). No party has filed a response opposing the Motion or in any other way indicated its opposition to the Motion. Having considered the Motion, we now grant it.

B. Discussion

2. The company seeks to protect individual customer information and customer information that, when aggregated, remain granular enough that disclosure is prohibited by Commission Rule 3033(b), the “15/15 Rule”. As relevant here, Rule 3033(b) provides:

At a minimum, a particular aggregation must contain at least fifteen customers; and, within any customer class no single customer's customer data or premise associated with a single customer's customer data may comprise 15 percent or more of the total customer data aggregated per customer class to generate the aggregated data report (the “15/15 Rule”).

Public Service points out that some of the Company’s rate classes have fewer than 15 customers and that some of the data sought to be protected pertains to individual customers.

3. Public Service proposes to treat this customer information as highly confidential, as well as any other customer-specific information sought through discovery or otherwise produced in this Proceeding whose disclosure would not comport with the 15/15 Rule. Public Service requests an order granting extraordinary protection to this highly confidential information, with access limited to: the Commissioners; the Commission’s advisory staff and advisory attorneys assigned to this proceeding; Trial Staff of the Commission and its attorneys assigned to this proceeding; the Colorado Office of the Utility Consumer Advocate and its attorneys assigned to this proceeding; a reasonable number of subject matter experts for other intervenors who require access for purposes of this proceeding and who do not represent a party who will gain an unfair competitive advantage by having this information; and a reasonable number of attorneys for other intervenors who require access for purposes of this proceeding, and who do not represent a party who will gain an unfair competitive advantage by having this information.

4. The Company proposes to keep this customer data highly confidential indefinitely and points out that this level of protection was afforded to similar customer data in the Company's recent rate cases.

5. Public Service prepared non-disclosure agreements for attorneys and subject matter experts, as required by Rule 1101(b)(V), and attached them to the Motion. It also attached an affidavit as required by Rule 1101(b)(VI).

6. No party filed a response opposing the relief requested in the Motion.

C. Findings and Conclusions

7. We find the reasoning and arguments in the Motion persuasive. The Motion states good cause to grant the relief sought under Rule 1101. The Commission further finds that the requested protections are appropriate, are reasonable, and are consistent with the Commission's Rules and past practice. As we have indicated before, protecting customer data is of the utmost importance,¹ and here no party has indicated an objection to protecting the data Public Service identifies in the Motion.

8. Based on the foregoing, we grant the Motion and approve the non-disclosure agreements.

II. ORDER

A. The Commission Orders That:

1. The Motion for Extraordinary Protection of Highly Confidential Information filed on May 15, 2023, by Public Service Company of Colorado is granted.

¹ Decision No. C19-0621-I at ¶ 36, issued in Proceeding No. 19AL-0268E (Public Service Company of Colorado's 2019 Phase I rate case).

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 16, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners