

Decision No. C23-0046

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19AL-0268E

IN THE MATTER OF ADVICE LETTER NO. 1797 FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO RESET THE CURRENTLY EFFECTIVE GENERAL RATE SCHEDULE ADJUSTMENT (GRSA) AS APPLIED TO BASE RATES FOR ALL ELECTRIC RATE SCHEDULES AS WELL AS IMPLEMENT A BASE RATE kWh CHARGE, GENERAL RATE SCHEDULE ADJUSTMENT-ENERGY (GRSA-E) TO BECOME EFFECTIVE JUNE 20, 2019.

**DECISION DENYING APPLICATION FOR REHEARING,
REARGUMENT, OR RECONSIDERATION**

Mailed Date: January 23, 2023
Adopted Date: January 11, 2023

I. BY THE COMMISSION

A. Statement

1. Through its Application for Rehearing, Reargument, or Reconsideration, the Office of the Utility Consumer Advocate (“the UCA”) asks us to modify components of this rate case to negate the benefit to the company that resulted from the district court’s decision and remand. Having considered this proposal, we now reject it.

B. Background

2. After the Denver District Court remanded this proceeding to us to reconsider the issue, we asked the parties for briefing on how to allocate gains and losses from asset sales. The

UCA suggested several approaches to the issue. We ultimately settled on Public Service's approach because it was the only one that found support in the record.¹

3. The UCA does not challenge the allocation approach in its RRR. Instead, it argues that we outlined a new remand policy while discussing an unrelated proceeding at the December 7, 2022, public weekly meeting. According to the UCA, we adopted a blanket policy that for any rate case decision where a district court disturbs one or more discrete issues on review, the Commission would, on remand, modify other aspects of the decision in order to preserve the original rates approved by the Commission. The UCA then argues that it would be arbitrary to apply such a policy to the UCA in that unrelated case, but not apply the policy against Public Service in this case.

4. None of the parties responded to the UCA's argument.

C. Findings and Conclusions

5. It is unclear what has prompted this unusual RRR from the Office of the Utility Consumer Advocate. The RRR seems to be a departure from the thoughtful style that has, for the past many years, generally characterized the UCA's approach before this Commission.

6. In any event, we disagree with the UCA's characterization of our discussion at the December 7, 2022, weekly meeting. We did not there announce the policy that the UCA describes. It is not this Commission's policy to automatically negate all changes to rates that result from district court review.

7. Instead, we were (and are again here) reiterating that the Commission retains the prerogative to reexamine the rates that may result from any remand to ensure that they remain just

¹ See Decision No. C22-0738

and reasonable. Each decision point in rate cases is made in relation to the others, and there may be instances where a material change to one variable in the ratemaking formula will require the Commission to reevaluate another. But this is far from the universal policy that the UCA describes.

8. In sum, we decline the UCA's invitation and deny the RRR.

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration filed on December 16, 2022, by the Office of the Utility Consumer Advocate is denied.

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
January 11, 2023.**

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners

ATTEST: A TRUE COPY

G. Harris Adams.,
Interim Director