

Decision No. C23-0199-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
ESTABLISHING PROCEDURAL SCHEDULE,
AND DISCOVERY PROCEDURES,
AND SCHEDULING HEARING**

Mailed Date: March 22, 2023
Adopted Date: March 22, 2023

I. BY THE COMMISSION

A. Statement

1. This Decision grants the Unopposed Motion to Approve Procedural Schedule (Motion), filed by Black Hills Colorado Electric, LLC d/b/a Black Hills Energy (Black Hills or the Company) on March 13, 2023, consistent with the discussion below. We adopt the procedural schedule and discovery procedures proposed in the Motion and schedule a remote evidentiary hearing in in this matter for June 20 to 21, 2023.

B. Procedural History

2. On January 4, 2023, Black Hills filed the Application for approval of an alternate electric vehicle (EV) fast charging station rate. Black Hills submits this Application consistent with the requirements of Commission Decision No. C21-0651 in its Transportation Electrification Plan (TEP) proceeding (Proceeding No. 20A-0195E). Paragraph 81 of Decision No. C21-0651,

which approved the Company’s TEP, directed Black Hills to “begin working with stakeholders on the development of alternative rates within three months of the approval of this TEP and to submit a proposal for at least one additional commercial EV charging rate within one year.”

3. On March 1, 2023, the Commission issued Decision No. C23-0151-I, which directed the parties to confer regarding a schedule for this Proceeding. Decision No. C23-0151-I also established the following parties to this Proceeding: the Company; Trial Staff of the Commission; the Colorado Energy Office; Electrify America, LLC; and ChargePoint, Inc.

4. On March 13, 2023, Black Hills filed the Motion, setting forth a consensus procedural schedule and provisions for discovery, and requesting the Commission waive response time. Black Hills states no party opposes the relief sought in the Motion.

5. The Motion proposes the following procedural schedule:

Activity	Date
Direct Testimony	March 6, 2023
Answer Testimony	April 17, 2023
Rebuttal and Cross-Answer Testimony	May 11, 2023
Settlement Agreement	May 23, 2023
Prehearing Motions / Non-testimonial Hearing Exhibits	June 2, 2023
Settlement Testimony	June 2, 2023
Responses to Prehearing Motions / Cross-Examination Matrix, Witness and Exhibit Lists	June 9, 2023
Evidentiary Hearing (Remote)	June 20-21, 2023
Statements of Position	July 14, 2023

6. Black Hills states in the Motion that it agrees to waive the statutory timeline set forth in § 40-6-109.5(1), C.R.S., for a Commission decision in order to accommodate later

evidentiary hearing dates and a less compressed procedural schedule.¹ However, Black Hills states that it desires to implement this EV charging station rate as soon as possible beginning in 2023, and therefore requests the Commission consider its Application as expeditiously as possible consistent with the procedural schedule.

7. The parties also have agreed that the discovery rules and procedures contained in Rule 1405 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, will govern discovery in this Proceeding.

8. Black Hills requests the Commission waive response time to the unopposed Motion, consistent with Rule 1308(c) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

C. Findings and Conclusions

9. The Commission finds good cause to adopt the consensus procedural schedule as set forth above.

10. The evidentiary hearing will be held using the web-hosted video conferencing service Zoom unless subsequently modified. Further information and directions on using Zoom are provided in Attachment A to this Decision.

11. Attachment B to this Decision provides additional information regarding procedures for the presentation and submission of exhibits. Parties should refer to Attachment B for further guidance regarding: (1) the assignment of hearing exhibit number blocks; (2) identification of filing requirements for hearing exhibits; (3) formatting of hearing exhibits;

¹ The Commission notes that Black Hill's application was filed without testimony, so the timeline for a Commission decision is governed by § 40-6-109.5(2), C.R.S., which provides the Commission 250 days to issue its decision. The Application was deemed complete March 1, so the 250-day timeline ends on November 6, 2023.

(4) filing of executable attachments to hearing exhibits; (5) modifying, amending, or correcting a previously filed hearing exhibit before the deadline for correction; (6) modifying, amending, or correcting a previously filed hearing exhibit after the deadline for correction; and (7) procedures for confidentiality.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Approve Procedural Schedule (Motion), filed by Black Hills Colorado Electric, LLC d/b/a Black Hills Energy on March 13, 2023, is granted, consistent with the discussion above. The Commission waives response time to this unopposed Motion.

2. The consensus procedural schedule and provisions for discovery set forth in the Motion are adopted.

3. The parties shall submit all testimony and pleadings no later than the dates set forth in the adopted procedural schedule.

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

DATES: June 20 through 21, 2023

TIMES: 9:00 a.m. to 5:00 p.m. on June 20, 1:00 p.m. to 5:00 p.m. on June 21

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

5. The parties are responsible for sharing the link, meeting ID code, and passcode to witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing. Unless otherwise ordered, the parties and witnesses may not appear in person at the Commission for the

above-scheduled hearing. Instead, parties and witnesses will participate in the hearing from remote locations, consistent with the requirements of this Decision.

6. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

7. The parties and witnesses are required to participate in the evidentiary hearing by video conference using Zoom. The parties must ensure that they and their witnesses are ready and able to participate in the evidentiary hearing by video conference, including presenting evidence electronically during the hearing using Zoom.

8. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 22, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners