

Decision No. C23-0664

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23AL-0446E

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IN THE MATTER OF THE ADVICE LETTER OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER AUTHORIZING IT TO REVISE ITS ELECTRIC COMMODITY ADJUSTMENT TO BE EFFECTIVE OCTOBER 1, 2023.

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**COMMISSION DECISION AUTHORIZING PARTIAL  
AND TEMPORARY WAIVERS OF ELECTRIC  
TARIFF SHEETS NOS. 143D-F**

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Mailed Date: October 4, 2023  
Adopted Date: September 27, 2023

**I. BY THE COMMISSION**

**A. Statement**

1. By this Decision, the Commission grants the Motion for Partial and Temporary Waiver of Electric Tariff Sheets Nos. 143D-F and Waiver of Response Time filed by Public Service Company of Colorado (Public Service or the Company) filed on September 1, 2023.

**B. Findings and Conclusions**

2. On September 1, 2023, the Company filed Amended Advice Letter No. 1930-Electric and a Motion for Partial and Temporary Waiver and Waiver of Response Time (Motion). Public Service filed this Advice Letter requesting Commission approval of a decrease in the Electric Commodity Adjustment (ECA) factors of its projected fuel and purchased energy costs for the for the fourth quarter of 2023, to be effective October 1, 2023.

3. On September 5, 2023, the Company filed a second amended Advice Letter No. 1930-Electric. This amended advice letter includes additional language in the ECA tariff that

reflects the change to make the residential medical exemption ECA factor percentage-based, which was approved as part of the Company's Medical Exemption Program Advice Letter No. 1928 that went into effect September 1, 2023.

4. Pursuant to Rules 1003 and 1400 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, the Company requests a partial and temporary waiver of the Sheet Nos. 143D-F of its Electric Tariff to allow it to include in the Electric Commodity Adjustment Revenue Requirement (ECARR) for the fourth quarter of 2023 the retail allocation of a future liquidated damages payment associated with the Cheyenne Ridge Wind Project that the Company expects to receive before the end of 2023.

5. The Company states that the payment has not yet been received by the Company, but the Company is requesting a waiver at this time so that the payment can be timely credited to the ECA deferred balance and thus reduce the ECA for its customers. An expected amount of the liquidated damages payment is included as a credit to the ECA rate for the fourth quarter of 2023 being filed concurrently with this Motion. A true-up to the actual amount will occur when the actual amount is recorded to the ECA Deferred Account Balance.

6. The Company states that good cause exists to grant the Motion because it will allow for timely inclusion of the liquidated damages expected from Cheyenne Ridge Wind Project into the ECA Deferred Account Balance. The requested partial and temporary waiver is to the fourth quarter ECA factor and thus will terminate December 31, 2023, when the totality of the liquidated damage amount at issue is tried-up and recovered.

7. On September 27, 2023, the Commission allowed Advice Letter No. 1930-Electric to go into effect by operation of law, in advance of its October 1, 2023, proposed effective date and found good cause to grant this related waiver Motion.<sup>1</sup>

8. We find good cause to grant this Motion pursuant to Rules 1003 and 1400 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, because it will ensure that the reduction in the ECA due to the liquidated damages from the Cheyenne Ridge Wind Project is timely passed along to customers.

## II. ORDER

### A. **It Is Ordered That:**

1. The Motion for Partial and Temporary Waiver of Electric Tariff Sheets Nos. 143D-F and Waiver of Response Time filed by Public Service Company of Colorado (Public Service or the Company) filed on September 1, 2023, is granted.

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<sup>1</sup> The Company also requested a waiver of response time to this Motion. However, this request is moot because pursuant to Rules 1308 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, any responses to this Motion were due on September 15, 2023.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 27, 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