

Decision No. R23-0114-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0024E

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3, TO IMPLEMENT NET METERING FOR INDIVIDUALLY METERED MULTI-UNIT PROPERTIES.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
ADDRESSING JOINT MOTION TO RESCHEDULE
PUBLIC COMMENT HEARING**

Mailed Date: February 21, 2023

I. STATEMENT

A. Background

1. On January 13, 2023, the Colorado Public Utilities Commission initiated this proceeding by issuing a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Electric Utilities.¹ The NOPR proposed significant changes to the aforementioned rules, described those changes in detail and the justification therefor, attached the Rules in legislative (i.e., strikeout/underline) format and in a clean version, established deadlines of February 10, 2023 and February 24, 2023 for initial comments and response comments concerning the proposed rules, respectively, and scheduled a remote public comment hearing for February 28, 2023 at 11:30 a.m. for oral comments regarding the proposed rules. The NOPR also referred this

¹ Decision No. C23-0023

proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

2. On January 25, 2023, the Colorado Solar and Storage Association (COSSA) and the Solar Energy Industries Association (SEIA) filed a Joint Motion to Reschedule the February 28, 2023 Public Comment Hearing (Joint Motion).

3. On February 10, 2023, Black Hills Colorado Electric, LLC and Public Service Company of Colorado filed joint initial comments, COSSA and SEIA filed joint initial comments, and the City of Boulder filed initial comments.

B. Joint Motion

4. In their Joint Motion, COSSA and SEIA state that they have a scheduling conflict with the remote public comment hearing on February 28, 2023. Specifically, COSSA is hosting its annual Solar Power and Energy Storage Mountain West Conference from February 27, 2023 to March 1, 2023. As a result, “COSSA staff and COSSA members who are interested in the multi-meter net metering rules will be unable to participate in the public comment hearing.” COSSA anticipates that “many key staff members from both the Commission and Colorado’s public utilities, including Public Service and Black Hills, will also be in attendance.”² For these reasons, COSSA and SEIA request “that the Commission extend the date for public comment in this rulemaking so that it may fully participate in the rulemaking hearing. COSSA/SEIA ask that the date be extended by one week, to March 7, 2023, or otherwise rescheduled to another date in March that is convenient for the ALJ assigned to this matter.”³

² Joint Motion at 3 (¶ 4).

³ *Id.* at 3 (¶ 5).

5. COSSA and SEIA further state that they:

conferred with parties [they] expects will participate in this proceeding including Public Service, Black Hills, the Colorado Energy Office, the Utility Consumer Advocate, City of Boulder, City of Denver, Energy Outreach Colorado, and Vote Solar about its request parties to this proceeding on this Joint Motion to Reschedule the public comment hearing. The undersigned is authorized to represent that Black Hills, Boulder, EOC, and the UCA support the relief requested. Public Service, CEO, and Vote Solar do not oppose the motion. Responses were not received from Denver at the time of filing of this motion.⁴

C. Analysis

6. The ALJ will deny the Joint Motion. The NOPR was published in the January 25, 2023, edition of the Colorado Register. As a result, the remote public comment hearing noticed in the NOPR for February 28, 2023, must go forward on that date and cannot be rescheduled.

7. However, the ALJ recognizes the importance of the participation of COSSA in this rulemaking. As a result, the ALJ will convene the remote public comment hearing for the sole purpose of continuing it to a later date.

II. ORDER

A. It is Ordered That:

1. The Joint Motion to Reschedule the February 28, 2023 Public Comment Hearing filed by the Colorado Solar and Storage Association (COSSA) and the Solar Energy Industries Association (SEIA) on January 25, 2023, is denied for the reasons stated above.

⁴ *Id.* at 1.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director