

Decision No. R23-0259-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0557EG

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3, AND RULES REGULATING GAS UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-4, PURSUANT TO HOUSE BILL 22-1018.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
CONTINUING PUBLIC COMMENT HEARING,
SCHEDULING CONTINUED PUBLIC COMMENT
HEARING, AND
SETTING DEADLINES FOR ADDITIONAL WRITTEN
COMMENTS**

Mailed Date: April 20, 2023

I. STATEMENT

A. Background

1. On December 21, 2023, the Colorado Public Utilities Commission (PUC or Commission) initiated this proceeding by issuing a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Electric Utilities (Electric Rules), 4 *Code of Colorado Regulations* (CCR) 723-3, and the Rules Regulating Gas Utilities (Gas Rules), 4 CCR 723-4.¹ The NOPR proposed changes to the aforementioned rules, described those changes in detail and the justification therefor, attached the proposed amended Rules in legislative (i.e., strikeout/underline) format and in a clean version, established deadlines of January 31, 2023, and

¹ Decision No. C22-0815, issued Dec. 21, 2022.

February 14, 2023, for initial comments and response comments concerning the proposed rules, respectively, and scheduled a remote public comment hearing for February 27, 2023, at 11:30 a.m. for oral comments regarding the proposed rules. The NOPR also referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

2. The Office of the Utility Consumer Advocate (UCA), Energy Outreach Colorado (EOC), Public Service Company of Colorado (Public Service), Colorado Natural Gas, Inc. (CNG), and Black Hills Colorado Electric, LLC, and Black Hills Colorado Gas, Inc., doing business as Black Hills Energy (collectively Black Hills) filed initial comments. Public Service, CNG, and Black Hills, as well as Atmos Energy Corporation filed reply comments.

3. The ALJ held the remote public comment hearing as scheduled on Monday, February 27, 2023, at 11:30 a.m. Participants in the hearing offered their comments concerning affordability of gas and electric utilities, availability of assistance programs, remote disconnection, the costs associated with remote versus “truck roll” disconnection, as well as initiatives commenced by Governor Polis and the General Assembly to address the affordability of gas and electric utilities. At the conclusion of the February 27, 2023, public comment hearing, the undersigned ALJ announced that the hearing would be continued.

4. By Decision No. R23-0169-I, issued March 9, 2023, a second public comment hearing was scheduled for April 4, 2023, at 11:30 a.m. Decision No. R23-0169-I also set a deadline of March 21, 2023, for interested persons to file additional responsive comments to the written comments submitted by UCA prior to the February 27, 2023, public comment hearing. The decision also permitted interested persons to file any comments replying to the additional responsive comments by March 28, 2023.

5. Black Hills, Public Service, the UCA, and EOC all filed comments by the above deadlines. UCA's additional comments, filed March 28, 2023, included a proposed amendment to the revised rules not previously discussed with other interested persons or participants.

6. The second public comment hearing was held as scheduled on Tuesday, April 4, 2023, at 11:30 a.m. At the public comment hearing, participants engaged in a robust conversation about the proposed rules, the necessity of remote disconnection and reconnection, as well as the benefits and drawbacks of UCA's proposed amendment.

7. Participants at the public comment hearing expressed a desire to continue the discussion and requested the opportunity to submit written responses to UCA's proposed amendments to the rules.

B. Continued Public Comment Hearing

8. Based on the robust conversation held at the April 4, 2023, public comment hearing, and participants' desire to continue the discussion, the ALJ finds that a third public comment hearing in this Proceeding is warranted and appropriate.

9. During the April 4, 2023, public comment hearing, the ALJ announced that the public comment hearing will be continued to May 15, 2023, at 4:00 p.m. This Interim Decision memorializes the continuance of this Proceeding and schedules the continuation of the remote public comment hearing for May 15, 2023, at 4:00 p.m. The ALJ notes that the late hour of this third public comment hearing is intended to provide those unable to attend or participate in the two previous public comment hearings held over the noon hour an opportunity to participate and provide public comment concerning the proposed changes to the gas and electric rules.

C. Additional Written Comments

10. On March 28, 2023, UCA filed its additional comments proposing a novel approach to implementing one of the rule changes considered in this Proceeding. Other participants at the public comment hearing indicated that UCA had not discussed its proposal with them and that they had not had an opportunity to thoroughly analyze and review UCA's proposal.

11. Because they wished to respond to UCA's proposed amendments, other participants attending the April 4, 2023, public comment hearing in this Proceeding asked for the opportunity to submit additional written comments in response to UCA's March 28, 2023, filing. No Participants objected to this request.

12. The undersigned ALJ finds additional written comments warranted and appropriate and therefore will permit interested persons or entities to file additional responsive comments on or before April 28, 2023. Any replies to the additional responsive comments must be filed no later than May 5, 2023.

D. Instructions for Remote Public Comment Hearing

13. The public comment hearing will be held using the web-hosted video-conferencing service, Zoom. This means that members of the public who wish to participate in the public comment hearing should not appear in person at the Commission's offices but should instead appear remotely via Zoom. Participants in the hearing should prepare in advance to use this platform. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by video-conference using a computer. This is intended to ensure that the remote hearing proceeds efficiently. Hence, it is important that

video-conference participants carefully review and follow all requirements in this Decision and Attachment A.

14. For those who wish to provide oral comments during the hearing, video-conference participation is preferred and encouraged because it allows for the hearing to be held in a manner most similar to in-person hearings. Nevertheless, interested persons have the option to participate by telephone. The link, access code, and call-in information to participate in the hearing will be available on the Commission's calendar of events for the date and time of the hearing at <https://puc.colorado.gov/puccalendar>.

15. Any member of the public participating in the public comment hearing by video-conference must use a computer, smart phone, or tablet that is connected to the internet and has an operational microphone, speaker, and camera. Participants are required to input their full name and any affiliation when prompted to do so. This will allow the ALJ to call on participants to provide oral comments in an orderly fashion.

16. During the public comment hearing, the ALJ will take action as necessary to facilitate a clear and understandable record, and to ensure the orderly progress of the hearing. For the same reasons, all participants are required to: (a) mute their microphone during the hearing until called upon by the ALJ; (b) ensure they are participating from a location with minimal or no background noise; and (c) not connect to the hearing using multiple devices located in the same room (which will cause audio feedback). Participants are encouraged to use a headset to listen to the hearing, as this may also help avoid background noise and feedback when they speak.

17. The Commission will publicize the public comment hearing by press release, announce it on its public calendar, and make it known by other avenues to the extent resources are available.

18. The Commission strives to accommodate all members of the public at its hearings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Requests for such accommodations should be made at least one week prior to the event by completing the Language Access Form. Requests can also be made directly by contacting Holly Bise at (303)894-2024 or by emailing holly.bise@state.co.us.

E. Observing the Public Comment Hearing

19. Consistent with Commission practice, the public comment hearing will be webcast on the Commission's website. Persons wishing to observe, but not participate in the hearing may do so by observing the webcast of the rulemaking hearing and need not join the hearing by telephone or video-conference. To observe the hearing by webcast, enter this link in the web browser <https://puc.colorado.gov/webcasts> and select the audio or video option for the assigned hearing room. The assigned hearing room will be identified on the Commission's public calendar for the date and time of the hearing, at the following link: <https://puc.colorado.gov/pucalendar>.

20. The ALJ encourages interested persons who do not wish to provide comments during the hearing to observe the hearing through the webcast because this will help minimize background noise during the hearing and may assist in the orderly progression of the hearing.

F. Methods to Submit Public Comment

21. Interested persons may provide written or oral comments. Although the Commission prefers written comments over oral comments, they are given the same weight.

22. Interested persons are encouraged to submit written comments through either: (a) the Commission's Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this proceeding; or (b) the Commission's website at <https://puc.colorado.gov/> by clicking on the "FILE A COMMENT OR COMPLAINT" link. Anyone using the latter option should ensure that their comments include this Proceeding number (Proceeding No. 22R-0557EG).

23. Oral comments can be provided during the scheduled public comment hearing, or by leaving a voice mail message at (303) 869-3490. Voice mail public comments will be placed in the record of this Proceeding and should likewise include a reference to this Proceeding number (Proceeding No. 22R-0557EG).

24. The Commission will equally consider public comments, regardless of the format in which they are submitted (verbal or in writing).

II. ORDER**A. It Is Ordered That:**

1. The public comment hearing in Proceeding No. 23R-0557EG is continued.
2. The continued remote public comment hearing on the proposed revisions to the Electric Rules and Gas Rules is scheduled as follows:

DATE: **May 15, 2023**
TIME: **4:00 p.m.**
PLACE: By video conference: using the Zoom web conferencing platform at a link in the calendar of events on the Commission's website, available at <https://puc.colorado.gov/>.

3. Interested persons may file additional or supplemental written comments in this matter. Additional responsive comments should be submitted no later than **April 28, 2023**. Any comments replying to the additional responsive comments should be submitted no later than **May 5, 2023**.

4. All participants in the public comment hearing must follow the requirements in Attachment A hereto, which is incorporated as if fully set forth herein.

5. Those wishing to observe but not participate in the above public comment hearing may do so by observing the Commission's webcast for the assigned hearing room at: <https://puc.colorado.gov/webcasts>.

6. Members of the public who wish to provide written or oral comments outside of the public comment hearing may do so by following the instructions in this Decision.

7. The Administrative Law Judge may schedule additional hearings if necessary.

8. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

G. Harris Adams,
Interim Director