

Decision No. R23-0696-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0244E

IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC FOR APPROVAL OF ITS TRANSPORTATION ELECTRIFICATION PLAN, READY EV, FOR PROGRAM YEARS 2024-2026 AND FOR RELATED TARIFF APPROVALS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
CONVERTING HYBRID HEARING
TO FULLY REMOTE HEARING**

Mailed Date: October 16, 2023

I. STATEMENT, BACKGROUND, FINDINGS, AND CONCLUSIONS

1. On May 15, 2023, Black Hills Colorado Electric, LLC's doing business as Black Hills Energy (Black Hills) filed the above-captioned Application (Application), and associated Transportation Electrification Plan.

2. On June 21, 2023, the Commission deemed the Application complete and referred this Proceeding to an Administrative Law Judge (ALJ) for disposition.

3. In addition to Black Hills, the following entities are parties to this Proceeding: the Office of Utility Consumer Advocate (UCA); the Colorado Public Utilities Commission Trial Staff (Staff); Colorado Energy Office (CEO); and Green Latinos, Mothers out Front, Vote Solar, and Womxn from the Mountain (collectively the Coalition).¹

¹ Decision No. R23-0461-I at 13 (mailed July 20, 2023). ChargePoint, Inc. (ChargePoint) was a party, but filed a Motion to Withdraw its Intervention that was granted on October 11, 2023. Decision No. R23-0682-I.

4. With the parties' input, the ALJ scheduled a three-day hybrid evidentiary hearing for October 23, 24 and 26, 2023, and established numerous procedural deadlines to accommodate that hearing.²

5. On October 10, 2023, Black Hills filed a Motion to Approve Non-Unanimous Partial Settlement Agreement (Motion) and a Non-Unanimous Partial Settlement Agreement (Settlement Agreement or Agreement).

6. Based upon the Settlement Agreement and Motion in support thereof, on October 11, 2023, the ALJ vacated the October 23, 2023 hearing date (while maintaining the October 24 and 26, 2023 hearing dates), and ordered that the parties address certain items in their Settlement Testimony.³ That same day, counsel for Black Hills informally contacted the ALJ to express concern about the new hearing schedule. As a result, the parties ultimately agreed that the remaining hearing dates should be converted from a hybrid hearing to a fully remote hearing.

7. Based on the parties' preference to hold the October 24 and 26, 2023 hearing as a remote hearing, the ALJ will convert the hearing to fully a remote hearing (for both dates). Doing so does not create additional burdens on the parties, as the established procedures for the hearing already contemplate that some parties and witnesses may appear remotely.

² *Id.*

³ Decision No. R23-0682-I at 4 (mailed October 11, 2023). After Decision No. R23-0682-I issued, Black Hills filed Black Hills filed a Notice of Redline Corrections to Black Hills Colorado Electric, LLC's Motion to Approve Partial Settlement Agreement; a corrected Motion to Approve Non-Unanimous Partial Settlement Agreement; and a corrected Partial Settlement Agreement, marked as Hearing Exhibit 109, Rev. 1. Those filings do not impact this Decision, and thus, are not discussed above.

III. ORDER

A. It Is Ordered That:

1. The hybrid hearing scheduled for October 24 and 26, 2023 will be held as fully remote hearing, with all parties, counsel, witnesses, and the Administrative Law Judge appearing from remote locations. No one should appear at the Commission’s office for the hearing. Instead, participants will appear using a Zoom link that will be provided by email before the hearing.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director