

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24AL-0377E

IN THE MATTER OF ADVICE NO. 1960 - ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 - ELECTRIC TARIFF TO MODIFY TIME-OF-USE ("TOU") TARIFFS FOR ELECTRIC SERVICE, INCLUDING TOU PERIODS AND ASSOCIATED TOU RATES AND CHARGES, TO BECOME EFFECTIVE OCTOBER 4, 2024.

**COMMISSION DECISION
SUSPENDING EFFECTIVE DATE OF TARIFF SHEETS,
ESTABLISHING NOTICE AND INTERVENTION PERIOD,
GRANTING REQUEST FOR ALTERNATIVE FORM OF
NOTICE, AND SETTING RESPONSE TIME TO MOTION
FOR EXTRAORDINARY PROTECTION**

Issued Date: September 12, 2024

Adopted Date: September 11, 2024

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY SUBMITTING A WRITTEN COMMENT THROUGH <https://puc.colorado.gov/> INDICATING PROCEEDING NO. 24AL-0377E. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE, CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. On September 3, 2024, Public Service Company of Colorado ("Public Service" or the "Company") filed Advice Letter No. 1960 - Electric ("AL 1960") to modify its time-of-use ("TOU") rates in its Colorado P.U.C. No. 8 - Electric Tariff ("Electric Tariff"). Public Service also

filed with AL 1960 a Motion for Commission Approval of an Alternative Form of Notice (“AFON Motion”) and a Motion for Extraordinary Protection of Highly Confidential Information (“MEP”).

2. By this Decision, the Commission sets for hearing the tariff sheets filed under AL 1960 and suspends their effective date to February 1, 2025.

3. A pleading to intervene in this matter may be filed by any person, firm, or corporation desiring to be a party and fully participate in this Proceeding no later than October 9, 2024.

4. The Commission further grants the AFON Motion and sets October 9, 2024, as the deadline for responses to the MEP.

B. Discussion

1. AL 1960

5. Public Service explains in AL 1960 that the Company is seeking to revise existing TOU periods for certain rate schedules and to add TOU periods to other rate schedules, consistent with Decision No. C24-0117. Public Service explains that the Commission found in Proceeding No. 23AL-0243E, the Company’s latest electric rate case, that current TOU rates are not matched with evolving cost drivers, such as the Company’s new generation and transmission needs addressed in the Company’s Electric Resource Plan (“ERP”) in Proceeding No. 21A-0141E.

6. Public Service specifically seeks to:

- Modify the On-Peak period for Schedules RE-TOU and C-TOU and the TOU rates for larger secondary general customers (Schedule SG-TOU) from 3:00 p.m. - 7:00 p.m. year-round to 3:00 p.m. - 9:00 p.m. in the Summer (June through September) and 5:00 p.m. - 9:00 p.m. in the Winter (*i.e.*, non-Summer months);
- Eliminate the Shoulder periods from Schedules RE-TOU, C-TOU, and SG-TOU;
- Reduce the price ratios for Peak to Off-Peak periods for Schedule RE-TOU;

- Modify the On-Peak period for the rates for electric vehicles (“EVs”)—specifically Schedules P-EV, S-EV, P-EV-CPP, and S-EV-CPP—from 2:00 p.m. - 10:00 p.m. year-round to 3:00 p.m. - 10:00 p.m. in the Summer, and 5:00 p.m. - 10:00 p.m. in the Winter;
- Extend the SG-TOU Pilot rate for an additional two years to provide sufficient time for additional customers to enroll and participate;
- Modify the existing time-differentiated generation and transmission demand charges for Schedules PG and PG-CPP from 2:00 p.m. -7:00 p.m. year-round to 3:00 p.m.-9:00 p.m. in the Summer, and 5:00 p.m.-9:00 in the Winter;
- Initiate time-differentiated generation and transmission demand charges for Secondary General service (Schedule SG) and Secondary General Critical Peak Pricing service (Schedule SG-CPP) to align with Schedules PG and PG-CPP;
- Add language to the RE-TOU and C-TOU availability sections to account for customers that may receive their Advanced Meter after 2024; and,
- Modify the ECA Peak periods to align with non-EV and EV Peak periods with implementation as part of a future ECA filing after receiving the final decision in this rate case.

7. Public Service states that the AL 1960 rate filing is not expected to have any effect on the Company’s annual revenue, because the proposed rates are designed to be revenue neutral, or, in other words, generate the same annual revenues as approved in Proceeding No. 23AL-0243E. Public Service notes, however, that the filing will impose different bill impacts on different types of customers depending on their electric usage.

8. Public Service filed AL 1960 with supporting testimony of three witnesses.

C. UCA Protest Letter

9. On September 6, 2024, the Colorado Office of the Utility Consumer Advocate (“UCA”) filed a Protest to AL 1960.

10. UCA asks whether a slower transition would allow customers to better accommodate changes in TOU periods and rates while still tracking the projected changes over time in renewable generation and load.

11. UCA also inquires whether the proposed Summer on-peak period from to 3:00 p.m. - 9:00 p.m. is too long, and will negatively impact when customers need to use electricity, thus resulting in more customers opting out, potentially negatively impacting the purpose of default TOU rates.

12. UCA also seeks to examine: (1) whether the mid-peak (shoulder) period should be eliminated; (2) whether there should be “super-off-peak periods” to encourage EV charging and controlled use of appliances; (3) how the TOU periods match today’s energy patterns as more solar, wind and storage projects come online; and (4) whether future load and energy patterns are sufficiently supported to be used set TOU periods in this case.

13. Finally, UCA raises a concern about the potential impacts of the proposed modifications to the TOU rates on income-qualified customers and disproportionately impacted communities.

D. AFON Motion

14. In its AFON Motion filed with AL 1960, Public Service states, pursuant to § 40-3-104(1)(a), C.R.S, the Company has assumed an October 4, 2024, effective date for the rates and tariff changes in this Proceeding. However, Public Service also states that it expects the Commission to set the matter for hearing and suspend the effective date of the tariffs, pursuant to § 40-6-111(1), C.R.S., and Rule 1210, 4 *Code of Colorado Regulations* (“CCR”) 723-1.

15. Public Service moves pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and Rule 1207(b), 4 CCR 723-1, to provide alternative forms of notice for the Company’s filing to its customers.

16. In addition to posting the legal notice on its website and keeping the file open for public inspection as required by § 40-3-104 (1)(c)(I), C.R.S., Public Service requests Commission approval to use the following forms of notice:

- Publishing a legal notice in *The Denver Post* for two consecutive weeks, consistent with § 40-3-104(1)(c)(I)(A), C.R.S.;
- Posting a public version of AL 1960 in its entirety on the Company's website;
- Providing a bill insert to Public Service's retail electric customers with all mailed and e-billed customer bills, during a regular billing cycle over the course of approximately five weeks, commencing approximately two weeks after the AL 1960 filing; and,
- Providing electronic notification of the AL 1960 filing to parties included within the certificate of service for Proceeding No. 23AL-0243E.

17. Public Service maintains good cause exists for the Commission to approve the proposed alternative forms of notice because the proposed notice is less costly than the procedures prescribed by statute and provides nearly all customers the opportunity to obtain notice of the filing during the first 20 days of the 30-day period prior to the proposed October 4, 2024, effective date. The Company also asserts the proposed alternative forms of notice will provide the required information concerning the AL 1960 filing to the Company's affected customers, as well as the general public and stakeholders, and will be sufficient to alert affected and interested parties to the changes the Company is proposing. Public Service further states its proposed notice is reasonable because it is in addition to notice that will be provided via bill inserts pursuant to § 40-3-104(1)(c)(I)(C), C.R.S.

E. Findings and Conclusions

18. Pursuant to § 40-6-111(1), C.R.S., the Commission may suspend tariff sheets for 120 days. Upon our review of the filing and the protest submitted by UCA, we find good cause to suspend the tariff sheets submitted with AL 1960 for 120 days through February 1, 2025, and to set the matter for hearing.¹

¹ Under § 40-6-111(1)(b), C.R.S., the Commission may by separate order extend the suspension period for an additional 130 days, for a total of 250 days, through June 11, 2025.

19. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this Proceeding, as ordered below. The filing of any other document protesting the tariff sheets shall not allow participation as an intervenor in this matter.

20. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S. and Rule 1207(b), 4 CCR 723-1, the Commission may approve alternative forms of notice at the request of a public utility. We find the alternative forms of notice the Company proposes in the AFON Motion will provide sufficient notice in an efficient manner. We therefore find good cause to approve the alternative forms of notice that the Company requests. The AFON Motion is granted.

21. Pursuant to Rule 1400(b), 4 CCR 723-1, response time to a motion is 14 days after service of the motion. Thus, under Rule 1400(b), the deadline for responses to Public Service's MEP is September 17, 2024. However, at the time of filing, the Commission had not yet established a notice and intervention period. We therefore set response time to the MEP to run concurrent with the notice and intervention period established by this Decision and require responses to the Motion to be filed on or before October 9, 2024.

22. Further procedures for this matter will be addressed by separate decision.

II. ORDER

A. The Commission Orders That:

1. The proposed October 4, 2024, effective date of the tariff sheets filed with Advice Letter No. 1960 - Electric, filed by Public Service Company of Colorado ("Public Service") on September 3, 2024, is suspended until February 1, 2025, or until further order of the Commission.

2. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariff pages, who desire to intervene and participate as a party in this Proceeding shall file a Motion to Intervene with the Commission no later than

October 9, 2024, and shall serve a copy of the Notice or Motion on Public Service’s attorney of record.

3. The Motion for Commission Approval of an Alternative Form of Notice, filed by Public Service on September 3, 2024, is granted.

4. Responses to the Motion for Extraordinary Protection of Highly Confidential Information, filed by Public Service on September 3, 2024, shall be filed no later than October 9, 2024, consistent with the discussion above.

5. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
September 11, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director