

Decision No. C24-0790

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

PROCEEDING NO. 23A-0356E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER AUTHORIZING IT TO MODIFY AND EXTEND ITS ELECTRIC QUALITY OF SERVICE PLAN THROUGH 2026.

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**COMMISSION DECISION GRANTING PARTIAL WAIVER  
OF RECOMMENDED DECISION NO. R24-0396**

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Issued Date: October 31, 2024

Adopted Date: October 23, 2024

**I. BY THE COMMISSION**

**A. Statement**

1. By this Decision, the Commission grants the Unopposed Motion for Partial Waiver of Recommended Decision No. R24-0396E (“Motion”), filed by Public Service Company of Colorado (“Public Service” or the “Company”) on October 14, 2024. The purpose of this waiver is to authorize Public Service to update the Customer Complaints metric threshold in its QSP electric tariff from 6.5 complaints per 1,000 customers to 0.65 complaints per 1,000 customers, as measured by active gas, electric, and combination gas and electric customer premises as of December 31 each performance year.

**B. Background**

2. On June 30, 2023, Public Service filed an application for approval of the continuation of and modifications to its electric Quality of Service Plan (“QSP”). On August 9, 2023, the Commission deemed the Application complete and referred the matter for disposition to an administrative law judge (“ALJ”). In addition to Public Service, the following

entities are parties to this Proceeding: Colorado Public Utilities Commission Trial Staff (“Staff”); the Colorado Energy Consumers (“CEC”); the City of Boulder (“Boulder”); the City and County of Denver (“Denver”); Energy Outreach Colorado (“EOC”) and the Office of the Utility Consumer Advocate (“UCA”).

3. On March 13, 2024, Public Service filed a Joint Motion and associated settlement agreement (“Settlement Agreement”) which UCA opposed. The ALJ conducted an evidentiary hearing on April 2 and 3, 2024 and on June 11, 2024, issued Recommended Decision No. R24-0396 (“Recommended Decision”) approving, with modifications, the Settlement Agreement addressing the Company’s Application.

4. On August 13, 2024, the Commission issued Decision No. C24-0579 addressing exceptions to the Recommended Decision filed by UCA and Public Service. The Commission adopted the Recommended Decision with modifications. No party filed for rehearing, reargument, or reconsideration and on August 29, 2024, Public Service filed its revised electric QSP tariff placing into effect the revisions made in this Proceeding in compliance with Decision No. C24-0579.

### **C. Findings and Conclusion**

5. Public Service’s Motion seeks a partial and permanent waiver of the Recommended Decision pursuant to Commission Rule 1003 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1, for the purpose of enabling the Company to modify the Customer Complaints metric threshold in the Company’s electric QSP from 6.5 complaints per 1,000 customers to 0.65 complaints per 1,000 customers as measured by active gas, electric, and combination gas and electric customer premises as of December 31 each performance year. Public Service states the waiver is necessary to ensure a fair and equitable outcome for the

Proceeding by allowing it to address a decimal transposition error that was inadvertently carried over from the settlement agreement reached in 21A-0317E (“2021 Electric Rate Case”). As Public Service explains, the 6.5 complaints per 1000 Customer Complaint metric threshold, which was originally approved in the 2021 Electric Rate Case, should have been set at 0.65 complaints per 1000 customers but the settlement agreement in that case erroneously reduced the threshold from 8 complaints per 1000 customers to 6.5 complaints. Public Service explains it recently discovered that, prior to the 2021 Electric Rate Case, the Customer Complaints metric was triggered at 0.8 complaints per 1000 customers and that it was clearly the intent of the rate case settlement to make the metric more stringent and reduce the threshold to .65 complaints per 1000 customers. Public Service asserts that while the issue of the Customer Complaints metric was discussed at the evidentiary hearing in this Proceeding, it was only raised to clarify the metric’s scope and neither the Recommended Decision nor the Commission’s decision approving the Recommended Decision modified the metric’s threshold. Public Service therefore requests a waiver of the Recommended Decision so that it can modify the Customer Complaint metric in accordance with the original intention to reduce the threshold from .8 complaints to .65 complaints per 1000 customers. Public Service states it has already been applying its QSP consistent with its requested update.

6. Public Service also requests it be permitted to modify its tariff to accurately reflect that gas-only customers are included in both the Customer Complaint metric and the Telephone Response Time metric and to reflect that, for the purposes of these metrics, the Company counts customers by the number of active premises at the end of December 31 each performance year, rather than by the number of December bills issued.

7. The Company asserts its request will make the Customer Complaints metric more stringent and further asserts there is no potential for adverse customer impacts or prejudice to customers resulting from granting its Motion. Public Service also requests the Commission authorize it to implement the tariff updates reflected in Attachment A to the Motion through a compliance advice letter to be filed on not less than two business days' notice.

8. Under Rule 1003(a), 4 CCR 723-1, the Commission has authority to grant a waiver from substantive requirements contained in a decision for good cause shown. In making its determination the Commission may take into account, but is not limited to, considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Rule 1003(c) requires that a request for a waiver must include a: citation to the specific paragraph of the rule sought to be waived; statement of the specific waiver requested; statement of facts and circumstances justifying the waiver; statement regarding the duration of the request and explaining the specific date or event that will terminate it; statement on whether the requested waiver is partial or full; and any other information required by rule.

9. We find good cause exists in this limited circumstance to grant Public Service's Motion. Permitting the Company to update its electric QSP tariff in to accurately reflect the changes discussed above serves the public interest.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Unopposed Motion for Partial Waiver of Recommended Decision No. R24-0396, filed by Public Service Company of Colorado on October 14, 2024, is granted, consistent with the discussion above.

2. Public Service shall implement the updates approved in this Decision in a compliance advice letter to be filed on not less than two business days' notice.

3. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
October 23, 2024.**

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ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners

Rebecca E. White,  
Director