

Decision No. C24-0882

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0625EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2022-2025 RENEWABLE ENERGY COMPLIANCE PLAN.

**COMMISSION DECISION ADDRESSING
PSCO’S UNOPPOSED MOTION REGARDING
SENATE BILL 24-207 PROGRAM CHANGES**

Issued Date: December 3, 2024
Adopted Date: November 13, 2024

I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission grants Public Service Company of Colorado’s (“PSCo” or the “Company”) Motion requesting that the Commission update the Solar*Rewards Community Standard Offer Program for Community Solar Gardens in compliance with Senate Bill (“SB”) 24-207, including a full and permanent waiver of Rule 3882(d)(I); and waives response time.

B. Relevant Procedural Background

2. On December 20, 2021, PSCo filed its application for Approval of its 2022-2025 RE Plan. This filing commenced Proceeding No. 21A-0625EG.

3. On September 1, 2022, the Company filed an unopposed and comprehensive Settlement Agreement agreed upon by nearly all parties to the proceeding. In addition to PSCo, Trial Staff, CEO, the UCA, the EJ Coalition, the City and County of Denver, EOC, WRA, and

COSSA/SEIA were settling parties. The City of Boulder and Sunshare, LLC did not take a position on the Settlement Agreement.

4. After additional rounds of testimony and a hearing, the Commission issued Decision No. C22-0678 on November 3, 2022. The Decision approved the unopposed comprehensive Settlement Agreement with additions and clarifications, granted the Application for approval of PSCo's 2022-2025 Renewable Energy Plan as modified by the Settlement Agreement, and authorized compliance filings.

5. On February 26, 2024, the Company filed its S*RC Standard Offer Motion which addressed unopposed updates to the 2022-2025 S*RC Standard Offer Interconnection Process.

6. On May 24, 2024, the Commission issued Decision No. C24-0344 granting the unopposed motion for a determination of reasonableness for the final non-participant costs and income qualified and disproportionately impacted community customer acquisition approaches and authorizing PSCo to move forward with its S*RC Standard Offer filed on February 26, 2024.

7. On October 29, 2024, the Company submitted an unopposed motion requesting that the Commission update the Solar*Rewards Community Standard Offer Program for Community Solar Gardens in compliance with SB 24-207, including a full and permanent waiver of Rule 3882(d)(I) and waive response time.

C. Discussion

8. SB 24-207, codified as § 40-2-127, C.R.S., was enacted on May 22, 2024.

Amongst other things, section § 40-2-127.2(3)(e) of the bill directs the following:

In order to facilitate equitable access to clean energy, an investor-owned electric utility shall allow all interconnection applicants for retail distributed generation projects as described in section 40-2-124, including community solar facilities, to begin the interconnection process no later than sixty days after the effective date of this section.

9. Rule 3882(d)(I) states that:

Except for CSGs owned by governmental, quasi-governmental, or non-profit entities, the utility shall be deemed to have conducted sufficient due diligence by requiring from the CSG owner documentation of escrowed funds of not less than \$100 per kW AC of the CSG's nameplate rating. The escrow shall be maintained by its terms until such time as the CSG owner makes an interconnection agreement deposit payment.

10. The Company states that its existing interconnection process is not in compliance with SB 24-207. It states that the requirements of § 40-2-127.2(3)(e), C.R.S. have "rendered moot any purpose of the escrow payment in the context of the standard offer process." SB 24-207 allows CSG developers to begin the interconnection process at a time of their choosing and no longer must obtain Company approval into the standard offer process before commencing the interconnection process and making an interconnection agreement deposit payment. The Company states that SB 24-207 makes it so that the Company can no longer reasonably mandate that CSG developers in the S*RC Standard Offer program establish the escrow funds required by Rule 3882(d)(I). It therefore seeks a full and permanent waiver of the requirement that CSG owners establish the escrow.

D. Findings and Conclusions

11. The Commission recognizes the preemption raised by the Company due to the passage of SB 24-207 and grants the request to issue a full and permanent waiver of the escrow payment requirement in Rule 3882(d)(I).

12. The Commission intends to amend the Electric Rules to remove this requirement in a future rulemaking.

13. In accordance with Rule 1308(c), the Commission also grants PSCo’s motion to waive any remaining response time as the requested motion is unopposed and in service of compliance with state law.

II. ORDER

A. The Commission Orders That:

1. The Commission grants Public Service Company of Colorado’s (“PSCo” or the “Company”) Motion requesting that the Commission update the Solar*Rewards Community Standard Offer Program for Community Solar Gardens in compliance with Senate Bill 24-207, including a full and permanent waiver of Rule 3882(d)(I).

2. Any remaining response time is waived.

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

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
November 13, 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