

Decision No. C25-0334

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0013EG

IN THE MATTER OF A REPOSITORY PROCEEDING FOR THE FILING OF ELECTRIC AND GAS LOW-INCOME PROGRAMS ANNUAL REPORTS PURSUANT TO RULES 4 CCR 723-3-3412 AND 4 CCR 723-4-4412.

**COMMISSION DECISION GRANTING APPLICATION
FOR REHEARING, REARGUMENT, OR
RECONSIDERATION OF DECISION NO. C25-0193**

Issued Date: May 1, 2025
Adopted Date: April 23, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This Proceeding was opened administratively on January 3, 2023, to serve as a repository for annual reports on Percentage of Income Payment Plan (“PIPP”) programs as well as to receive the most recent evaluation of utilities’ PIPP programs pursuant to Electric Rule 3412(k), 4 *Code of Colorado Regulations* (“CCR”) 723-3 and Gas Rule 4412(k), 4 CCR 723-4.

2. Through Decision No. C23-0095, issued February 9, 2023, the Commission set a scope for this Proceeding, which recognized the intent “to initiate a broader conversation about overall efforts to support our most disadvantaged customers at a time when volatile natural gas prices have created significant affordability issues.”

3. On April 5, 2024, the Colorado Energy Office (“CEO”) filed the third-party evaluation of utility PIPP programs (“2024 PIPP Evaluation Report”). Its author, GDS Associates, Inc., drew upon in-depth interviews, research on peer programs, analysis of deidentified participant

data, online and written surveys, and focus groups, to develop its findings and recommendations. The 2024 PIPP Evaluation Report covered a period from November 1, 2019, through October 31, 2022. Participants subsequently filed comments on the 2024 PIPP Evaluation Report.

4. Over the course of this Proceeding, the Commission has hosted multiple Commissioner Information Meetings (“CIMs”) which have addressed income-qualified energy bill assistance programs and energy programs offered by federal, state, local, utility, and nonprofit organizations.

5. On January 7, 2025, in Proceeding No. 25M-0003ALL, the Commission held a cross-proceeding CIM where we engaged in dialogue with Staff regarding potential next steps and priorities for work on income-qualified energy bill assistance and energy programs in 2025. Resulting from this CIM, on January 27, 2025, the Commission issued Decision No. C25-0053-I, by which it sought comments from electric and gas utilities regarding whether to extend the timeline for the next triennial evaluation, and if other practical issues needed to be addressed as part of a waiver or variance.

6. On February 13, 2025, Public Service Company of Colorado timely filed a response joined by Atmos Energy Corporation, Black Hills Colorado Electric, LLC, Black Hills Colorado Gas, Inc., and Colorado Natural Gas, Inc. (collectively, the “Utilities”). The Utilities stated that they conferred with CEO and agreed with the Commission’s proposal to extend the timeline for the next triennial evaluation.

7. Through Decision No. C25-0193, issued March 19, 2025, the Commission closed this Proceeding and extended the deadline for the next triennial evaluation of utility income-qualified bill assistance programs required pursuant to Rules 3412(k) and 4412(k).

8. The Commission found good cause to allow an extension of the deadlines set forth in Electric Rule 3412(k) and Gas Rule 4412(k). We stated the following in paragraph 10 of Decision No. C25-0193:

We find good cause to allow an extension of the deadlines set forth in Electric Rule 3412(k) and Gas Rule 4412(k) and to defer the filing of the next triennial evaluation of income-qualified bill assistance until the earlier of November 1, 2026, or until a new deadline is established through a rulemaking proceeding. Accordingly, the next program evaluation period shall extend from November 1, 2026, through October 31, 2029, at which point the evaluation process can be initiated and a consultant identified. We agreed with the Utilities that this should promote reasonable efficiencies in the process, and we further expect that this will allow for a robust exploration of what changes might be merited for such an important customer program. We also acknowledge Utilities' comments that funds for the next evaluation can continue to be maintained until their use is directed for the next triennial evaluation or for program operations.

9. CEO submitted an Application for Rehearing, Reargument, or Reconsideration ("Application for RRR") of Decision No. C25-0193 on April 8, 2025, seeking limited clarification on the extension for the deadline of the next triennial evaluation.

10. CEO points out that the first sentence of paragraph 10 extends the deadline to file the next evaluation until either November 1, 2026, or until a new deadline is established in rules. However, CEO states that if it were to file the next evaluation on November 1, 2026, then it would need to begin the evaluation process this year, therefore not truly extending any filing date. Similarly, CEO asserts the second sentence appears to require that the next evaluation period begin November 1, 2026 and extend through October 31, 2029, seemingly without regard to a potential rulemaking. CEO argues this causes confusion and that this timeline would result in the next evaluation being filed in 2030.

11. CEO also states that the Utilities' February 13, 2025 filing suggested that if no new rules are adopted, the next evaluation should begin November 1, 2026, which CEO interpreted to mean the evaluation period would run from November 1, 2023 through October 31, 2026.

12. CEO therefore requests clarification about the timing of the next triennial evaluation, asserting there appears to be some inconsistency with the Commission's statements regarding the deadline as well as some potential confusion concerning the term "evaluation period," and when an evaluation begins, and when an evaluation should be filed. Additionally, CEO requests clarification on whether the evaluation timelines are contingent on whether or not the Commission adopts rules.

13. We agree with CEO regarding potential confusion with the Commission's directive regarding the next evaluation period. To remedy this uncertainty, we correct paragraph 10 of Decision No. C25-0193 to read as follows:

We find good cause to allow an extension of the deadlines set forth in Electric Rule 3412(k) and Gas Rule 4412(k) and to defer the filing of the next triennial evaluation of income-qualified bill assistance ~~until the earlier of November 1, 2026, or until a new deadline is established through a rulemaking proceeding.~~ Accordingly, the next program evaluation period shall extend from November 1, 2026, through October 31, 2029, ~~at~~ after which ~~point~~ the evaluation process can be initiated and a consultant identified. We ~~agreed~~ with the Utilities that this should promote reasonable efficiencies in the process, and we further expect that this will allow for a robust exploration of what changes might be merited for such an important customer program. This extension will also permit the completion of a potential rulemaking to modify the Commission's rules regarding PIPP programs. Finally, we ~~also~~ acknowledge Utilities' comments that funds for the next evaluation can continue to be maintained until their use is directed for the next triennial evaluation or for program operations.

14. These revisions make clear our intention that the next evaluation period will extend from November 1, 2026, to October 31, 2029, with the evaluation to be filed subsequently.

This deadline also allows for an earlier filing deadline to be established through a potential rulemaking in the interim.

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C25-0193 filed on April 8, 2025, by the Colorado Energy Office, is granted, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration, begins on the first day following the effective date of this Decision.

3. This Proceeding is hereby closed.

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

**B. ADOPTED IN COMMISSIONERS WEEKLY MEETING
April 23, 2025.**

(S E A L)



ATTEST: A TRUE COPY

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

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners