

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 18A-0676E

IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO ELECTRIC, INC. DOING BUSINESS AS BLACK HILLS ENERGY FOR APPROVAL OF ITS RESIDENTIAL TIME-OF-DAY RATE PILOT PROGRAM.

**INTERIM COMMISSION DECISION
MODIFYING DECISION NO. C18-0637**

Mailed Date: June 7, 2019
Adopted Date: June 6, 2019

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission modifies Decision No. C18-0637, issued August 6, 2018, in Proceeding No. 17AL-0477E. Pursuant to the procedures in § 40-6-112(1), C.R.S., the Commission provided prior notice of this modification to the affected public utility, Black Hills Colorado Electric, Inc. (Black Hills or Company), by Decision No. C19-0439-I, issued May 29, 2019 in this proceeding. No response was filed by the Company. The Commission therefore strikes the June 1, 2019, required implementation date for Black Hills' residential time-of-day rate pilot program in Decision No. C18-0637.

B. Findings and Conclusions

2. By Decision No. C18-0637, the Commission required Black Hills to file a plan to implement a residential time-of-day rate pilot program by October 1, 2018. The Commission further ordered the plan result in a pilot program to be implemented by June 1, 2019. At ¶ 24 of the body of the decision, the Commission found it was “not inclined to eliminate the June 1, 2019 implementation deadline” for the pilot program. At ¶ 2 of the ordering paragraphs, the

Commission ordered Black Hills “shall file a plan to implement a residential time-of-use pilot by October 1, 2018” and such plan “shall result in a pilot program for residential time-of-use rates to be implemented by June 1, 2019.”

3. Black Hills timely filed its application on October 1, 2018. That filing commenced Proceeding No. 18A-0676E. On November 7, 2018, the matter was referred to an Administrative Law Judge (ALJ), who held a hearing on March 14, 2019. The ALJ issued Recommended Decision No. R19-0341 on April 18, 2019. The parties filed exceptions on May 8, 2019, and responses on May 15, 2019.

4. By Decision No. C19-0439-I, issued May 29, 2019, the Commission provided notice to Black Hills pursuant to § 40-6-112(1), C.R.S., of the Commission’s intent to modify Decision No. C18-0637. No response was filed by the Company.

5. We find striking the June 1, 2019, implementation date in Decision No. C18-0637 is both necessary and appropriate. Due to the nature and extent of the exceptions, and scheduling constraints, we were not able to take up the merits of the exceptions until our June 6, 2019, Commissioners’ Weekly Meeting. In addition, the ALJ’s Recommended Decision requires modifications to the pilot program as proposed and the parties have filed exceptions to many of the fundamental components of the program. The Company therefore cannot finalize the program until it knows which modifications in the Recommended Decision will be upheld and what the Commission may further modify in its order granting or denying the exceptions.

II. ORDER

A. It Is Ordered That:

1. The Commission modifies Decision No. C18-0637, issued August 6, 2018, in Proceeding No. 17AL-0477E, by striking the June 1, 2019, implementation date for the

residential time-of-day rate pilot program in ¶ 24 of the body of the decision and ¶ 2 of the ordering paragraphs.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 6, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners