

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19D-0565EG

IN THE MATTER OF COLORADO ENERGY OFFICE'S PETITION FOR DECLARATORY ORDER TO CLARIFY THE PROCESS UNDER COMMISSION RULES 3412(K) AND 4412(K) FOR THE TRIENNIAL REVIEW OF UTILITIES' LOW-INCOME PROGRAMS.

**COMMISSION DECISION GRANTING
PETITION FOR DECLARATORY ORDER**

Mailed Date: December 3, 2019
Adopted Date: November 13, 2019

I. BY THE COMMISSION

A. Statement

1. This Decision provides the clarification sought by the October 17, 2019 petition for declaratory order filed by the Colorado Energy Office (CEO). The Commission confirms that the process and timeline proposed in the petition are consistent with Commission rules governing the triennial review of qualifying retail utilities' low-income programs.

B. Background

2. Adopted in their current form in 2017, Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-3-3412(k) Rules Regulating Electric Utilities and 4 CCR 723-4-4412(k) Rules Regulating Gas Utilities and Pipeline Operators provide for a triennial review of qualifying retail utilities' low-income programs. Pursuant to the Rules, the first review begins this year.

3. CEO filed this petition seeking clarification on two fronts: the evaluation process and timeline and vendor procurement.

4. By Decision No. C19-0879-I issued in this proceeding on October 30, 2019, the Commission accepted the request to clarify or adjust the evaluation process as described in the petition, but declined to accept the request to clarify CEO's role in procuring an evaluation vendor.

5. The Commission also granted the request for a seven-day notice and intervention period. No interventions were filed.

C. Discussion

6. Commission rules specify that the triennial review will begin in 2019 (evaluating three years of program data), that CEO will undertake procurement of a third-party vendor and will file the contract with the selected vendor with the Commission for approval, and that the evaluation itself will be filed by Staff of the Public Utilities Commission (Staff) in the most recent miscellaneous proceeding for annual low-income filings.

7. As CEO explains in its petition, it sought clarity on the timeline and process to ensure it meets all of the regulatory requirements. CEO states that its next filing in this matter "will be for approval of one or more procurement contracts for the third-party evaluation vendor,"¹ and is requesting guidance now to avoid a situation in which the Commission wishes to amend the already finalized contract(s), as that would require additional negotiations and delay the evaluation.

8. CEO's petition provides a detailed list of steps for the evaluation process, including those already completed, such as working with Staff and other low-income stakeholders to establish the proposed timeline and budget and to draft the Statement of Work for

¹ Petition at p. 4.

its planned Request for Proposal (RFP). CEO lists additional steps to be completed in the coming months, including: finalizing and issuing the RFP, CEO and Staff reviewing responses and selecting a vendor and negotiating a contract, CEO filing with the Commission for approval of the contract (at which point the Commission has 30 days to act on the request), the contracted vendor conducting the evaluation and submitting its report, and, if requested by the Commission, the vendor presenting findings in a Commissioner Information Meeting.

9. The Commission agrees that the process and timeline described in CEO's petition are consistent with Rules 3412(k) and 4412(k).

II. ORDER

A. The Commission Orders That:

1. Consistent with the discussion above, the Petition for Declaratory Order filed by the Colorado Energy Office on October 17, 2019, has been addressed.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

3. This Decision is effective upon its Mailed Date.

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