

Decision No. C20-0161-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20M-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.

**INTERIM COMMISSION DECISION SETTING
NOTICE AND INTERVENTION PERIOD**

Mailed Date: March 11, 2020

Adopted Date: March 11, 2020

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. On March 4, 2020, the Colorado Energy Office (CEO) filed a Notice for Approval of Vendor Pursuant to Rules 3412(k) and 4412(k) (CEO's Filing). CEO requests that the Commission: (1) approve ADM Associates to serve as the third-party vendor for the triennial evaluation of utility low-income energy assistance programs; and (2) approve the contract between the third-party vendor and CEO.

2. The merits of CEO's request will be addressed in a future decision. This Interim Decision sets a notice and intervention period for this matter extending through March 16, 2020.

B. Findings and Conclusions

3. 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 require a triennial evaluation of qualifying

retail utilities' low-income programs. Specifically, under Rules 3412(k) and 4412(k), a third-party vendor is to conduct a triennial evaluation of low-income energy assistance programs operated by qualifying retail utilities.

4. Under Rules 3412(k) and 4412(k), CEO works with stakeholders to procure the third-party vendor: "Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders . . . in the design of the requirements regarding study focus and final reporting." Rule 3412(k)(I), Rule 4412(k)(I).

5. While the procurement of the third-party vendor is the responsibility of CEO, Rules 3412(k)(II) and 4412(k)(II) establish that such procurement is subject to Commission approval: "Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days." Rule 3412(k)(II), Rule 4412(k)(II).

6. The Commission's approval of the third-party vendor will permit the first triennial evaluation of qualifying retail utilities' low-income programs to commence. Likewise, as the CEO's Filing notes, this is the first instance in which CEO has sought Commission approval of a third-party vendor per Rules 3412(k) and 4412(k). (CEO's Filing, p. 2).

7. The CEO's Filing recounts the considerable amount of effort that CEO has expended conferring with various stakeholders both to select a third-party vendor and to develop the third-party vendor contract. For instance, starting in late 2019, CEO and the Staff of the Colorado Public Utilities Commission (Staff) worked together to draft the third-party vendor contract. Also, in January 2020, CEO reached out to the participating utilities and sought

feedback on the third-party vendor contract. Finally, in February 2020, CEO and Staff jointly selected ADM Associates to serve as the third-party vendor.

8. Staff and the various stakeholders with whom CEO consulted also support CEO's current request for approval. The CEO's Filing notes that Staff; Public Service Company of Colorado; Black Hills Colorado Electric, LLC; Black Hills Colorado Gas, Inc.; Atmos Energy Corporation; and Colorado Natural Gas, Inc. all approve of the selected third-party vendor and the third-party vendor contract. (CEO's Filing, p. 1).

9. Although CEO consulted with and obtained approval from various stakeholders, CEO's Filing does not request that the Commission set a notice and intervention period. In addition, based on CEO's Filing, the only entities that are aware of the current proceeding are CEO, Staff, and the utilities.

10. To help ensure that all entities interested in the selection of the third-party vendor and the approval of the third-party vendor contract are aware of this proceeding, the Commission finds that setting a formal notice and intervention period in this matter is necessary. The particular nature of this proceeding and CEO's prior consultation with stakeholders make a shortened period for notice and intervention appropriate. Accordingly, the Commission sets a notice and intervention period through Monday, March 16, 2020.

11. CEO's Filing is available for public inspection at the Commission office located at 1560 Broadway, Suite 250, Denver, Colorado 80202, between 8:00 a.m. and 5:00 p.m., excluding weekends and state holidays, or by accessing the Commission's E-Filing system under the above proceeding number at Colorado.gov/dora/puc. **This Decision is the notice that CEO's Filing seeking Commission approval of ADM Associates as the third-party vendor and the third-party vendor contract has been filed.**

12. The Commission notice period for CEO's Filing shall extend through and including 5:00 p.m. on March 16, 2020. The intervention period will run concurrent with the notice period. Interventions are due by 5:00 p.m. on March 16, 2020.

II. ORDER

A. It Is Ordered That:

1. The notice period for the Notice for Approval of Vendor Pursuant to Rules 3412(k) and 4412(k) filed by the Colorado Energy Office on March 4, 2020, shall extend through and including **5:00 p.m. on March 16, 2020**, consistent with the discussion above.

2. Any person desiring to intervene or participate as a party in this proceeding shall file a petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party by **5:00 p.m. on March 16, 2020**.

3. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

4. If a party does not meet the requirements of this Decision, the Commission may dismiss or strike the application or intervention upon motion filed by any other party, or upon the Commission's own motion, unless good cause for failure to meet the requirements is shown.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 11, 2020.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners