

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0115E

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF COLORADO
FOR APPROVAL OF A TEMPORARY VARIANCE FROM ITS ELECTRIC RESIDENTIAL
ENERGY TIME-OF-USE (RE-TOU) TRIAL AND RESIDENTIAL DEMAND-TIME
DIFFERENTIATED RATES (RD-TDR) PILOT DUE TO COVID-19 OUTBREAK.

**DECISION GRANTING PETITION FOR
A VARIANCE OF TARIFF OBLIGATION
REQUIRING A MINIMUM OF 12 CONSECUTIVE
MONTHS OF SERVICE AND A WAIVER OF RULE 1206(d)**

Mailed Date: April 8, 2020
Adopted Date: March 25, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On March 20, 2020, Public Service Company of Colorado (Public Service or Company) filed a Petition for Variance (Petition) of a specific tariff obligation found on the Company's Colorado P.U.C. No. 8 Tariff on Sheets Nos. 33 and 32, requiring ratepayers enrolled in the Company's Residential Energy Time-of-Use Service (RE-TOU) Trial and Residential Demand-Time Differentiated Rates Service (RD-TDR) Pilot take service under the respective rate schedule for a minimum period of 12 months.¹

2. The Petition specifically requests that through September 30, 2020, customers enrolled in the RE-TOU Trial or RD-TDR Pilot who have not satisfied the 12-month period be permitted to move to the Residential General Service rate schedule (Schedule R) if they request

¹ The requirement is found at COLO. PUC No. 8 Electric, Orig. Sheet No. 33B (RE-TOU) and Orig. Sheet No. 32B (RD-TDR).

to do so. Public Service requests this variance due to the unforeseen and unprecedented events occurring due to the COVID-19 outbreak, which has resulted in many residential customers confining themselves to their homes during hours they ordinarily would have been elsewhere. As a result of these changes, some participants in the RE-TOU and RD-TDR programs find themselves with current and near-term home energy needs that are substantially different than what they expected when they chose to enroll in the programs.

3. The Petition notes that customers spending time at their homes during hours they would ordinarily be working or otherwise offsite are doing so in response to guidance and directives from the Governor of the State of Colorado, the Colorado Department of Public Health & Environment, and the President of the United States.

4. The Petition also clarifies that the variance would not apply to any customers who have been enrolled in either the RE-TOU Trial or RD-TDR Pilot for less than seven billing cycles, as they are still within the initial grace period during which they may opt-out per the terms of either tariff.

5. Public Service also requests, consistent with Rule 1003(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, that the Commission waive the notice and intervention period set forth in Rule 1206, order an effective date of March 26, 2020, and grant this Petition without a hearing.

6. On March 24, 2020, the Office of Consumer Counsel filed a response to Public Service's Petition stating that it "fully supports the requested temporary waiver which, under

these extraordinary circumstances, provides consumers with additional choices with respect to continuing service under the RD-TDR or RE-TOU rate schedules and tariffs.”²

7. We find good cause to waive any notice and intervention period for the Petition and to grant the Petition.

II. ORDER

A. The Commission Orders That:

1. The Petition for Waiver of the tariff reporting obligation filed by Public Service Company of Colorado (Company) on March 20, 2020, is granted, consistent with the discussion above.

2. The Company’s request for a waiver of Rule 1206(d), 4 *Code of Colorado Regulations* 723-1, is granted.

3. 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.

4. This Decision is effective upon its Mailed Date.

² OCC Response at p. 1.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 25, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners