

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-155ST

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF COLORADO
FOR APPROVAL OF A TEMPORARY WAIVER FROM ITS STEAM TARIFF DUE TO
COVID-19 OUTBREAK.

**COMMISSION DECISION GRANTING
PETITION FOR A TEMPORARY WAIVER
FROM PUBLIC SERVICE'S STEAM TARIFF**

Mailed Date: April 20, 2020

Adopted Date: April 15, 2020

I. BY THE COMMISSION

A. Statement, Findings, Conclusion

1. On April 6, 2020, Public Service Company of Colorado (Public Service or the Company), filed a Petition for Temporary Waiver of certain of its steam tariff sheets related to late payment charges. Specifically, Public Service requests a waiver of Steam Tariff Sheet No. 5B's late payment charge provisions, which read as follows: "Bills for steam service are due and payable within ten days from [the] date of [the] bill. Any amounts not paid on or before the due date of the bill shall be subject to a late payment charge of 1.5% per month."¹

2. Additionally, Public Service requests that the Public Utilities Commission (Commission or PUC) waive its intervention and notice period set forth in Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1206(d) (Rule 1206(d)) of the Rules of Practice

¹ Public Service Petition at p. 3.

and Procedure and, if the Petition is uncontested or unopposed, that the Commission approve the Petition without a hearing pursuant to Commission Rule 4 CCR 723-1-1403

3. Through its Petition, Public Service explains that the novel coronavirus pandemic (COVID-19) has created financial hardships for an increasing number of Public Service customers. As part of its efforts to provide safe and reliable service to its customers affected by the pandemic, Public Service therefore seeks a temporary waiver to discontinue reconnection charges and late payment charges.

4. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency over COVID-19. Subsequently, on March 20, 2020, the Governor's Order D 2020 012, directs the PUC as follows, in pertinent part through Subsection III:

- A. I direct the [PUC], within [the Department of Regulatory Agencies], to work with all public utilities in the State to suspend service disconnections for delayed or missed payments from residential and small business consumers related to the impacts of COVID-19.
- B. I further direct the PUC to work with all public utilities to waive reconnection fees and suspend accrual of late payment fees for all residential customers and small business consumers most significantly burdened by the impacts of COVID-19 as well as to make reasonable efforts to reinstate service for those customers currently disconnected for nonpayment or arrearage related to the impacts of COVID-19.
- C. I further direct the PUC to work with all public utilities to develop and provide payment assistance programs to aid customers, particularly customers qualified for the Low Income Energy Assistance Program, in the payment of their utility bills, related to the impacts of COVID-19.

5. The impacts of COVID-19 create a unique and urgent set of circumstances affecting the public interest. Therefore, we find good cause to consider the motion expeditiously. In these rare and specific circumstances, a waiver of the Commission's notice and intervention period provided in Rule 1206(d) is appropriate.

6. The portions of its Steam Tariff that Public Service has identified would require the Company to assess certain fees which are contrary to the public interest given the directives in the Governor's March 20, 2020 order.

7. Considering the Petition and directives in the Governor's March 20, 2020 order, we find good cause to grant a waiver of the tariff provisions. We find good cause to grant the Petition *nunc pro tunc* from March 20, 2020, the date of the Governor's order.

8. This waiver seeks an end date of "until the later of when there is no longer a COVID-19 State of Emergency at the State or Federal level or expiration of the directives regarding utility disconnections, reconnection fees, and late payments² or other actions required of utilities in response to COVID-19...."³ However, to provide certainty of duration of the instant waivers, we find that August 1, 2020, sets a reasonable amount of time for the requested waiver.⁴ Extension of the requested waiver may be requested as appropriate given the unprecedented developments surrounding COVID-19. If circumstances dictate otherwise, Public Service may also seek to shorten the end date or otherwise modify this waiver through a separate filing.

II. ORDER

A. The Commission Orders That:

1. The Petition filed by Public Service Company of Colorado (Public Service) for a Waiver of Public Service Steam Tariff Sheet No. 5B is granted, consistent with the discussion above, *nunc pro tunc*, from March 20, 2020, through August 1, 2020.

² Governor's Executive Order D 2020 031, dated April 6, 2020, has already extended the applicable provisions of Executive Order D 2020 12 through April 30, 2020.

³ Public Service's Petition at p. 3

⁴ While not controlling, this duration is consistent with similar waivers considered by the Commission. See, e.g., Proceeding Nos. 20V-0133G and 20V-0150EG.

2. Public Service's request filed within the Petition that the Commission waive its intervention and notice period set forth in Commission Rule 4 *Code of Colorado Regulations* 723-1-1206(d) is granted.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 15, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners