

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19R-0608E

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES REGULATING
ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3, RELATING
TO COMMUNITY SOLAR GARDENS.

**COMMISSION INTERIM DECISION
ADDRESSING ADDITIONAL PUBLIC
COMMENT, AND DENYING MOTION AS MOOT**

Mailed Date: June 3, 2020

Adopted Date: June 3, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. By this Decision, the Commission addresses the Motion for Leave to File Notice of Supplemental Facts (Motion), filed by Vote Solar in this Proceeding on May 27, 2020. In the Motion, Vote Solar seeks leave to file the Notice of Supplemental Facts, attached to the Motion, discussing components of the “Transportation Electrification Plans” recently proposed by Public Service Company of Colorado in Proceeding No. 20A-0204E, and Black Hills Colorado Electric, LLC, doing business as Black Hills Energy in Proceeding No. 20A-0195E. Vote Solar states that changes proposed by the utilities in those proceedings are relevant to issues raised in Vote Solar’s exceptions in this Proceeding regarding whether to deduct the Demand-Side Management Cost Adjustment from the community solar gardens billing credit.

2. As this is a rulemaking proceeding, there are no “parties” as defined by Rule 1200 of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1. As a result, we decline to set response time to the Motion filed by Vote Solar.

3. Likewise, because this is a rulemaking proceeding, we find it unnecessary to grant leave for a participant to file comments. We therefore deny the Motion as moot. Rulemaking participants may provide written comments at any time.

4. Although provided significantly late in this rulemaking proceeding, the Notice of Supplemental Facts are considered additional public comments filed by Vote Solar. The Commission requests that any written comments participants may wish to file responding to the comments provided by Vote Solar on May 27, 2020, through its Notice of Supplemental Facts, be filed in this Proceeding no later than **June 10, 2020**. This requested timing allows comments to be submitted prior to Commission consideration of the merits of exceptions filed regarding Recommended Decision No. R20-0209, issued April 6, 2020, that proposed recommended revisions to the rules governing community solar gardens within the Commission's Rules Regulating Electric Utilities, 4 CCR 723-3.

II. ORDER

A. It Is Ordered That:

1. The Motion for Leave to File Notice of Supplemental Facts, filed by Vote Solar on May 27, 2020, is denied as moot, consistent with the discussion above.

2. The Notice of Supplemental Facts filed by Vote Solar on May 27, 2020, is construed as additional public comment, consistent with the discussion above.

3. Participants are encouraged to file written comments in response to the public comment provided by Vote Solar on May 27, 2020, no later than June 10, 2020.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 3, 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