

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20AL-0468E

IN THE MATTER OF ADVICE LETTER NO. 1837-ELECTRIC OF PUBLIC SERVICE
COMPANY OF COLORADO TO REVISE ITS PURCHASED CAPACITY COST
ADJUSTMENT TO BECOME EFFECTIVE JANUARY 1, 2021.

**INTERIM COMMISSION DECISION GRANTING
REQUEST FOR ALTERNATIVE FORM OF NOTICE**

Mailed Date: November 19, 2020

Adopted Date: November 12, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 2, 2020, Public Service Company of Colorado (Public Service or Company) filed this Motion for Approval of Alternative Form of Notice (Motion). By Advice Letter No. 1837-Electric, also filed on November 2, 2020, the Company filed its Purchased Capacity Cost Adjustment (PCCA) in its Colorado P.U.C. No. 8 – Electric tariff.

2. Public Service states that in accordance with Commission Decision No. C06-1379 in Proceeding No. 06S-234EG issued December 1, 2006, and Tariff Sheet Nos. 141B, 141C, 141D, and 141E, the Company is filing Advice Letter No. 1837-Electric to revise its PCCA for calendar year 2021 to be effective January 1, 2021. The PCCA is designed to collect the projected 2021 purchase capacity costs, as adjusted by the PCCA deferred balance as of September 30, 2020.

3. By this Motion, the Company seeks authority under § 40-3-104(1)(c)(l)(E), C.R.S., requesting Commission authorization to provide notice of the proposed tariff

changes through publication in the Legal Classified section of *The Denver Post*, a newspaper of general circulation. In addition to posting the proposed tariff changes on its website (https://www.xcelenergy.com/company/rates_and_regulations/filings) consistent with subsection (1)(c)(I), Public Service is seeking Commission approval to use the following alternative forms of notice:

- a. Filing the rate changes with the Commission;
- b. Publishing a legal notice in *The Denver Post* within three days of filing. (A copy of the notice is attached as Attachment 1);
- c. Serving electronically a copy of this tariff filing on all parties to Proceeding No. 06S-234EG, the case in which the current PCCA was initially approved.

4. Public Service argues newspaper notice is a reasonable form of notice for this filing because the Company is not seeking any change to the formula rate in the PCCA tariff. In addition, Public Service asserts it is complying with existing tariff provisions and Commission orders to update the PCCA rates annually. Public Service believes newspaper notice is a reasonable form of notice for this filing because it provides customers with notice of the filing during the first 20 days of the 30-day period prior to the January 1, 2021, effective date.

5. Public Service states its alternative form of notice is also reasonable because it will be less costly than the procedures prescribed by statute. Public Service states that in order to avoid inundating its customers with e-mail and text notifications for all filings that could potentially cause confusion, it is the Company's policy to only use emails for significant filings, such as rate case filings.

6. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 *Code of Colorado Regulations* 723-1-1207(b) of the Commission's Rules of Practice and Procedure, a utility may request to provide an alternative form of notice of proposed tariff changes. We find that the alternative

forms of notice Public Service proposes in its Motion will provide sufficient notice to Public Service's customers and will do so efficiently. We therefore find good cause to approve the alternative forms of notice Public Service requests.

7. However, we note a statement by Public Service in its Motion that causes some concern. In Paragraph No. 6 of the Motion, Public Service represents as follows: "The Company plans to go forward with this alternative form of notice. Should the Commission deny this Motion; the Company will provide additional notice consistent with the Commission's order." If Public Service has lost sight of the statutory requirements contained under § 40-3-104(2), C.R.S., we remind it of those requirements.

8. Under § 40-3-104(2), C.R.S., "[t]he commission for good cause shown, may allow changes with less notice than is required by subsection (1) of this section by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published."

9. As an investor-owned utility under the jurisdiction of this Commission, Public Service is required to abide by the Public Utilities Law as set forth in Title 40. With this reminder, we are confident the Company will continue its long record of adhering to the laws applicable to it.

II. ORDER

A. It Is Ordered That:

1. The Motion for Approval of Alternative Form of Notice filed by Public Service Company of Colorado on November 2, 2020, is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 12, 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