

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20AL-0517E

IN THE MATTER OF ADVICE LETTER NO. 797 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY TO AMEND THE ENERGY PAYMENT RATE TO BECOME EFFECTIVE JANUARY 1, 2021.

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

Mailed Date: December 2, 2020
Adopted Date: November 25, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 20, 2020, pursuant to § 40-3-104(1)(c)(I)(E) C.R.S. and Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-1207(b) of the Commission's Rules of Practice and Procedure, Black Hills Colorado Electric, LLC (Black Hills or Company), filed a Motion for Approval of Alternative Form of Notice (Motion) applicable to Advice Letter No. 797-Electric. By Advice Letter No. 797-Electric, Black Hills seeks to amend its Energy Payment rate (Average Hourly Incremental Cost of Electricity), on Tariff Sheet No. R36, in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff. The Energy Payment rate is R36, in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff. The Energy Payment rate is the payment that the Company makes to its net metering customers for excess energy produced from their systems unless they have elected to roll-over excess kWh to the next year. The proposed amendment is to become effective on January 1, 2021.

2. Black Hills states it filed Advice Letter No. 797-Electric to amend tariffs to amend its Energy Payment rate on Tariff Sheet No. R36, in the Rules section of its Colo. P.U.C.

No. 11-Electric Tariff. According to the Company, the proposed Energy Payment rate is \$0.02757 per kWh and is a 1.89 percent decrease from the Energy Payment rate of \$0.02810 per kWh, currently in effect. Black Hills asserts the proposed tariff amendment has no effect on the Company's revenues.

3. Black Hills seeks Commission approval to provide alternative form of notice of its proposed tariff amendment using the following forms of alternative notice:

a. Filing with the Commission, and keeping open for inspection, Advice Letter No. 797-Electric, which amends its Energy Payment rate on Tariff Sheet No. R36 in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff. The Company will also post on its website at the time of filing: (1) a Customer Notice attached as Attachment 1 and (2) Advice Letter No. 797-Electric and its accompanying tariff sheet, for thirty (30) days. The website posting will include a reference to the applicable proceeding number. The applicable website address for the posting of Advice Letter No. 797-Electric, Attachment 1, and the accompanying tariff sheet is: <http://www.blackhillsenergy.com/rates/applications>

b. Printing a message on each applicable customer's bill providing the website URL for the Customer Notice and Advice Letter No. 797-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance, beginning within one week after the filing of Advice Letter No. 797-Electric. The bill messages will run for one full billing cycle. The bill messages will read, by customer class, as follows:

Residential – Net Metering Customers:

We filed to decrease our Energy Payment rate by 1.89 percent to \$0.02757 per kWh effective Jan 1. This rate represents the payment made to Net Metered customers for any excess energy production from their systems. Call 888-890-5554 or visit www.blackhillsenergy.com/filings for details.

Small Commercial – Net Metering Customers:

We filed to decrease our Energy Payment rate by 1.89% to \$0.02757 per kWh effective Jan 1. This rate represents the payment made to Net Metered customers for any excess energy production from their systems. Call 888-890-5554 or visit www.blackhillsenergy.com/filings for details.

Other Customers – Net Metering Customers:

We filed to decrease our Energy Payment rate by 1.89 percent to \$0.02757 per kWh effective Jan 1. This rate represents the payment made to Net Metered customers for any excess energy production from their systems. Call 888-890-5554 or visit www.blackhillsenergy.com/filings for details.

c. Publishing a legal notice of Advice Letter No. 797-Electric (Attachment 1), with size dimensions of four columns width and 11 inches height, in three newspapers of general circulation for the service territory: 1) *The Pueblo Chieftain* (two consecutive Tuesdays, November 24th and December 1st, 2020); and 2) *The Cañon City Daily Record* (two consecutive Fridays, November 27th and December 4th, 2020); and 3) *The Rocky Ford Daily Gazette* (Thursdays, December 3rd and December 10th, 2020).

4. Black Hills maintains there is good cause for the alternative form of notice requested by this Motion. Black Hills notes the Company's bill message does not conflict with its billing cycle, and it provides visibility to the customer because it is presented on the first page of the bill, where the customer looks for dollar amount due and the payment deadline. Additionally, the toll-free phone number provided in the bill message will give customers a second option to learn more about the new tariff if they cannot access the internet for the Company's website. Further, Black Hills states the newspaper publications will ensure general notice to customers throughout the Company's service territory and the alternative forms of notice are expeditious and economic for the Company's customers. Black Hills maintains these alternative forms of notice are expeditious and economic for the Company's customers.

5. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 CCR 723-1-1207(b) a utility may request to provide an alternative form of notice of proposed tariff changes. We find that the alternative forms of notice Black Hills proposes in its Motion will provide sufficient notice to its customers and will do so efficiently. We therefore find good cause to approve the alternative forms of notice Black Hills requests.

II. ORDER

A. It Is Ordered That:

1. The Motion for Approval of Alternative Form of Notice filed by Black Hills Colorado Electric, LLC on November 20, 2020, is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 25, 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

JOHN GAVAN

MEGAN M. GILMAN

Commissioners