

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0347E

IN THE MATTER OF ADVICE LETTER NO. 831 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY FOR APPROVAL TO RECOVER COSTS ASSOCIATED WITH JOINING THE WESTERN ENERGY IMBALANCE SERVICES MARKET OPERATED BY THE SOUTHWEST POWER POOL AND TO CREDIT SPP WEIS MARKET SALE REVENUES TO CUSTOMERS THROUGH THE ELECTRIC COST ADJUSTMENT TARIFF, TO BECOME EFFECTIVE SEPTEMBER 2, 2022.

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

Mailed Date: August 10, 2022
Adopted Date: August 10, 2022

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 2, 2022, Black Hills Colorado Electric, LLC (Black Hills or Company) filed a Motion for Approval of Alternative Forms of Notice (Motion) to apply to the Company's Advice Letter No. 831-Electric, in which Black Hills seeks to amend its Energy Cost Adjustment (ECA) rate, within its Colo. P.U.C. No. 11-Electric Tariff. Specifically, the tariff amendments would allow for future cost recovery in the Company's ECA tariff – starting in Second Quarter 2023 – relating to costs from participation in the Southwest Power Pool (SPP) Western Energy Imbalance Service (WEIS) market. Black Hills represents that the proposed tariff amendment will not result in any changes to rates at this time.

2. Black Hills moves pursuant to § 40-3-104(1)(c)(I)(E), C.R.S. and Rule 1207(b), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission's Rules of Practice and Procedure,

to provide alternative forms of notice for the Company's filing to its customers. Black Hills requests Commission approval to use the following forms of notice:

- Filing with the Commission, and keeping open for inspection Advice Letter No. 831- Electric, which amends its ECA rate, on Tariff Sheet No. 65, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff, in addition to posting on its website at the time of the filing: (1) customer notice attached to the Motion as Attachment 1 (Customer Notice); and (2) Advice Letter No. 831-Electric and its accompanying tariff sheet, for 60 days;
- Printing a message on each applicable customer's bill providing the website URL for the customer notice and Advice Letter No. 831-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance, beginning within one week of the filing of Advice Letter No. 831-Electric for one full billing cycle with a bill message as set forth in the Motion; and
- Publishing the Customer Notice in three newspapers of general circulation for the service territory as set forth in the Motion.

3. Black Hills maintains that good cause exists for the Commission to approve the proposed alternative forms of notice.¹ The Company represents that the alternative forms of notice noticing customers via bill messages, legal notice publication and the required website posting, the Company will be able to reach customers in an expeditious and economic manner. Black Hills includes that the 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. The Company states that the toll-free phone number provided in the bill message will give customers a second option to learn more about the tariff filing if they cannot access the internet for the Company's website.

4. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 CCR 723-1-1207(b) of the Commission's Rules of Practice and Procedure, a utility may request to provide alternative forms of notice of a tariff change. We find the alternative forms of notice the Company proposes in its

¹ The Commission notes that effective April 30, 2022, Rule 1207(b), 4 CCR 723-1 of the Commission's Rules of Practice and Procedure requires a utility to "address each of the forms of notice set forth in § 40-3-104(1)(c)(I)(A) through (D), C.R.S., and explain why the utility seeks an alternative."

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 that the Company requests.

II. ORDER

A. It Is Ordered That:

1. The Motion for Approval of Alternative Forms of Notice, filed by Black Hills Colorado Electric, LLC on August 2, 2022, is granted.

2. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING August 10, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN GILMAN

Commissioners