

Decision No. C22-0531-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 21A-0625EG

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2022–2025 RENEWABLE ENERGY COMPLIANCE PLAN.

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**INTERIM COMMISSION DECISION  
AMENDING PROCEDURAL SCHEDULE,  
VACATING HEARING IN PART, AND ORDERING  
PARTIES TO FILE ADDITIONAL TESTIMONY**

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Mailed Date: September 8, 2022

Adopted Date: September 7, 2022

**I. BY THE COMMISSION**

**A. Statement**

1. On September 1, 2022, Public Service Company of Colorado (Public Service or Company) filed a notice of unopposed comprehensive settlement agreement (Settlement Agreement). At the same time, the parties jointly moved to vacate the September 8 deadline to file cross-examination matrices and hearing procedures, as well as vacate an additional day of the evidentiary hearing. By this Decision we grant those procedural requests, make one additional modification to the procedural schedule on our own motion, and direct Public Service to file certain additional testimony by Monday, September 12 at noon.

**B. Findings and Conclusions**

2. The Settlement Agreement is both unopposed and comprehensive. We agree with the parties' procedural recommendations and will vacate the September 8 deadline to file cross examination matrices and hearing procedures, as well as the first day of the evidentiary hearing,

September 13. Because the parties jointly moved to amend the procedural schedule, we grant their request to waive the remaining response time.

3. Given that the Settlement Agreement is both unopposed and comprehensive we also rescind the directive, issued in Decision No. C22-0517-I that at least four parties pre-file written testimony in support of the Settlement Agreement. The parties may decide among themselves how best to support their Settlement Agreement.

4. Having had some opportunity to review the Settlement Agreement we now order the Public Service to file additional testimony addressing the three topic areas that follow. The testimony must be filed by Monday, September 12, at noon.

5. Public Service shall present testimony addressing how the Community Solar Garden bill credit is allocated between project owners and income qualified / disproportionately impacted community customers. The testimony should include a narrative on how the proposals prevent developers from entering “a race to the bottom” where they offer income qualified customers marginal (*e.g.*, five percent) savings. The Commission is concerned that developers could offer lower marginal savings to increase the developer’s profit. The Commission is searching for additional information about the minimum standards protecting customers.

6. Public Service shall also present in testimony an explanation of how the parties plan to manage enrollment within disproportionately impacted community geographic areas. This information should also answer how income verification will be required, and whether all residential and commercial customers located within disproportionately impacted communities are potentially eligible, depending on the program. The Commission is aware that the upcoming rulemaking will address these issues but would like to know how the Company and stakeholders will deal with these important issues in the near term.

7. Finally, Public Service shall file an updated executable version of Att. KRK-1 that matches the costs shown in the Settlement Agreement's Att-1. The Company shall also file testimony including a quantitative analysis of the Settlement Agreement that clearly shows the economics from the perspective of non-participating ratepayers, program participants, and the project owner.

**II. ORDER**

**A. It Is Ordered That:**

1. The Commission grants the Joint Motion for Leave to Amend Procedural Schedule: the September 8, 2022 deadline to file cross examination matrices is vacated. the first day of the evidentiary hearing, September 13, 2022 is vacated. The evidentiary hearing will begin September 14, 2022 at 1:00 p.m. and continue on September 15, 2022.

2. The directive, issued in Decision No. C22-0517-I that at least four parties pre-file written testimony in support of the settlement, is rescinded.

3. Public Service Company of Colorado is ordered to prepare and file additional testimony addressing the questions raised above, and to file that testimony by noon on September 12.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 7, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners