

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0533E

IN THE MATTER OF ADVICE LETTER NO. 838 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY TO INCREASE THE ENERGY PAYMENT RATE, TO BECOME EFFECTIVE JANUARY 1, 2023.

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

Mailed Date: December 12, 2022

Adopted Date: December 7, 2022

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 30, 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. 838 – Electric, through which the Company 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.

2. In the Motion, Black Hills states 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. Black Hills states the proposed Energy Payment rate is \$0.05508 per kWh and is a 51.9 percent increase from the Energy Payment rate of \$0.03627 per kWh, currently in effect. Black Hills states the proposed tariff amendment

has no effect on the Company's revenues. Black Hills states the proposed amendment is to become effective on January 1, 2023.

3. 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. 838- Electric. The Company will also post on its website at the time of filing: (1) a Customer Notice attached to the Motion as Attachment 1 and (2) Advice Letter No. 838-Electric and its accompanying tariff sheet, for 30 days. The website posting will include a reference to the applicable proceeding number
- Printing a message on each applicable customer's bill providing the website URL for the Customer Notice and Advice Letter No. 838-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. 838-Electric. The bill messages will run for one full billing cycle
- Publishing a legal notice of Advice Letter No. 838-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, December 6th and December 13th, 2022); and 2) the *Cañon City Daily Record* (two consecutive Fridays, December 9th and December 16th, 2022); and 3) the *Rocky Ford Daily Gazette* (two consecutive Thursdays, December 8th and December 15th, 2022)

4. Black Hills maintains that good cause exists for the Commission to approve the proposed alternative forms of notice, and that it will avoid incurring the expenses that is entailed in other forms of statutory notice. The Company concludes the proposed alternative forms of notice will be sufficient to alert affected and interested parties to the tariff changes the Company is proposing, including by providing notice of the estimated impact on average electric customers.

5. 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 the 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 November 30, 2022, is granted.
- 2. This Decision is effective on its Mailed Date.

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

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners