

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0533E

IN THE MATTER OF ADVICE LETTER NO. 839 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS TO INCREASE THE ENERGY COST ADJUSTMENT 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. 839 – Electric, through which the Company seeks to amend its Energy Cost Adjustment (ECA) calculation inputs, contained on Tariff Sheet No. 65 in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. Black Hills states the ECA is applicable to all retail customers. Black Hills states the proposed tariff amendments will increase the ECA rate from \$0.06044 per kWh to \$0.06365 per kWh, beginning January 1, 2023.

2. Black Hills states the Motion only pertains to a request for alternative form of notice for the Company's amendments to its Tariff to reflect the ECA revisions. Black Hills explains that, on September 30, 2022, the Company filed proposed amendments to its Demand Side Management Cost Adjustment (DSMCA) in Proceeding No. 22AL0418E. Additionally, on

November 1, 2022, the Company filed proposed amendments to its Transmission Cost Adjustment (TCA) in Proceeding No. 22AL-0418E, and on November 15, 2022, in Proceeding No. 22AL-0505E, the Company filed proposed amendments to its Purchased Capacity Cost Adjustment (PCCA). Black Hills explains, given the proposed effective date of January 1, 2023, for the ECA, DSMCA, TCA, and PCCA, the Company seeks approval to provide alternative notice that reflects the filing of these four adjustments.

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. 839-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. 839-Electric and its accompanying tariff sheet, for 30 days. The website posting will include a reference to the proceeding number. The Customer Notice includes amendments and impacts of the TCA, PCCA, ECA, and DSMCA that have been proposed to be effective January 1, 2023, so as to provide customers with complete and comprehensive notice of the changes Black Hills is proposing to their rates.
- Printing a message on each applicable customer's bill providing the website URL for the Customer Notice and Advice Letter No. 839-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance, beginning with the December 2022 bill cycle, which will encompass the TCA, PCCA, ECA, and DSMCA amendments

- Publishing a legal notice of the TCA, PCCA, ECA, and DSMCA Advice Letters following the ECA filing on November 30, 2022 (attached to the Motion as 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); and 2) the *Cañon City Daily Record* (two consecutive Fridays, December 9th and December 16th); and 3) the *Rocky Ford Daily Gazette* (two consecutive Thursdays, December 8th and December 15th).
4. Black Hills maintains that good cause exists for the Commission to approve the proposed alternative forms of notice, including the consolidated approach, 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

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners