

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24D-0378E

IN THE MATTER OF A VERIFIED PETITION FOR DECLARATORY ORDER REGARDING THE 60 DAY TIME LIMIT FOR APPROVAL OF A CUSTOMER-OWNED METER COLLAR ADAPTER AND WHETHER THE CUSTOMER-OWNED METER COLLAR ADAPTER APPLICATION PROCESS IS TIMELY, TRANSPARENT AND NON BURDENSOME.

**COMMISSION DECISION
DECLINING TO ACCEPT PETITION**

Issued Date: October 11, 2024
Adopted Date: September 25, 2024

I. STATEMENT

1. On September 3, 2024, Mr. Simmons filed this formal complaint requesting that the Commission determine whether the 60-day meter collar approval process is the same or interchangeable with the Distributed Energy Resource (“DER”) interconnection process, and to rule on whether Public Service Company of Colorado’s customer-owned meter collar approval process is “transparent, timely, and not unduly burdensome” when compared to the process adopted by San Diego Gas & Electric. Because this request is properly made in a petition for declaratory order and not a complaint, we construe the complaint and a petition for declaratory order and for the reasons discussed below decline to accept the petition.

II. DISCUSSION, FINDINGS, AND CONCLUSIONS

2. We turn first to the proper form of the request before us. The filing in this proceeding was made as a complaint. Complaint proceedings test the facts of one individual’s circumstances against Commission regulations or the law. An example would be someone listing

out the timeline for reconnection they experienced, and alleging the timeline in some way violated the reconnection provisions of a utility's tariff. In this case, the complaint asks the Commission to do two things: (1) "I ask that the Commission to rule on whether the sixty day limit defined in SB 26-261 paragraph A.5 applies to the interconnection of a DER by a customer owned meter collar adapter to the electrical grid" and (2) "I also ask the Commission rule on whether Xcel Energy's customer owned meter collar application process is transparent, timely and not unduly burdensome when compared to the process defined by [San Diego Gas & Electric]." Neither of these requests are the type of claims that could be heard in a complaint. Instead, they are the type of claims that could be heard in a petition for declaratory order. To that end, we construe the filing as a petition for declaratory order and next will determine whether to accept the petition under Commission Rule 1304(f).

3. The Commission entertains petitions for declaratory orders entirely at its discretion pursuant to Rule 1304(f). Historically, the Commission has accepted petitions for declaratory order when there is a controversy surrounding the application of tariffs, rules, or statute. When that is the case, the Commission often accepts the petition and sets it for notice, and either refers the matter to an administrative law judge or retains the matter *en banc*. In this case there are two requests that we will examine to determine whether there exists a controversy that should be addressed through this Petition for Declaratory Order.

4. First is Petitioner's request that "the Commission . . . rule on whether the 60-day limit defined in 26-261 paragraph A.5 applies to the interconnection of a DER by a customer owned meter collar adapter to the electrical grid." We construe this request as asking the commission to determine whether section 40-2-124(1)(e)(I)(A.5), C.R.S., which governs the

60-day approval process for customer-owned meter collar adapters, also governs the DER interconnection process. The Petition for Declaratory Order quotes some of the language from that subsection, but for clarity we reproduce that section in its entirety here:

A qualifying retail utility's interconnection standards for distributed energy resources must allow for customer ownership and use of a meter collar adapter to permit the interconnection of distributed energy resources and for electrical isolation of the customer's site for energy backup purposes. The qualifying retail utility shall, within one hundred eighty days after June 21, 2021, adopt a transparent process for approving customer-owned meter collar adapters that meet minimum safety requirements. The commission shall resolve any disputes concerning the substance or procedures involved in the approval process or its application in any specific case. The approval process must take no more than sixty days after the date of submission for approval of a specific meter collar adapter by the proposing party. Approved meter collar adapters must be UL listed and must be suitable per the adapter's UL listing documentation for use in meter sockets of up to two hundred amperes. The qualifying retail utility shall define and publish in its tariffs a process to request and install a meter collar adapter, which process is timely and not unduly burdensome to the customer. The qualifying retail utility shall post on its website its list of approved meter collar adapters, which list must be updated at least annually.

Petitioner argues, “[n]ote the phrase ‘INTERCONNECTION OF DISTRIBUTED ENERGY RESOURCES’. In the same paragraph, the statute mandates that the approval process of a customer owned meter collar adapter take no more than 60 days. The process referred to in paragraph A5 of the statute is obviously the interconnection of a DER (such as a solar array) by a customer owned meter collar adapter to the electrical grid.” Petitioner also contends that the process referenced in paragraph A.5 is the “use of a customer owned meter collar adapter to connect a distributed energy resource (DER) such as a solar array to the electrical grid.”

5. We disagree with Petitioner's contentions. By its plain and repeated language paragraph A.5 governs only the approval of customer-owned meter collar adapters. The paragraph begins by providing that utilities' DER interconnection standards must allow for customer-owned

meter collars, indicating that meter collar use is a subpart of the much larger DER interconnection standards. The paragraph then provides that utilities must adopt a process for approving customer-owned meter collar adapters and continues by discussing that approval process and addressing what types of meter collars should be included. It concludes by noting that the utilities must keep a list of approved meter collar adapters on their websites.

6. We perceive no ambiguity in the statutory language. Read in full, paragraph A.5 governs only customer-owned meter collars and not the larger interconnection process. The 60-day approval process in A.5 is not the interconnection process but rather the process for approval of a customer-owned meter collar.

7. Petitioner's second request is that we find that Public Service's meter collar approval process does not meet the statutory requirements set forth in paragraph A.5, quoted above. As support for this request, Petitioner argues that Public Service's process is worse than the process adopted by San Diego Gas & Electric because SDG&E's process is more responsive and quicker.

8. But SDG&E, an out-of-state utility, is not the yardstick by which this Commission can determine that Public Service's approval process falls short. The Legislature, in enacting SB 21-261, set a handful of requirements for the customer-owned meter collar approval process in Colorado. Those requirements are set forth in paragraph A.5 which we have discussed at length. We cannot discern from the Petition how Public Service's approval process has fallen short of the standards the legislature provided particularly in light of Petitioner's repeated conflation of their meter collar approval process and DER interconnection process.

9. In sum, we perceive no live controversy in either of the issues Petitioner raised. By its plain language, Paragraph A.5 only provides for an approval process for customer-owned meter collars and not the entire DER interconnection process. Because Public Service's approval process is governed by Colorado law and not by a program offered by a California utility, we do not see a live controversy or uncertainty surrounding that process.

10. Accordingly, the Commission declines to accept this Petition.

III. ORDER

A. The Commission Orders That:

1. The Commission declines to accept the Petition for Declaratory Order filed on September 3, 2024.

2. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an Application for Rehearing, Reargument, or Reconsideration shall begin on the first day after the Commission mails or serves this Decision.

3. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN MEETING AND COMMISSIONERS' WEEKLY MEETING
September 25, 2024.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners