

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0154E

IN THE MATTER OF THE VERIFIED PETITION OF PUBLIC SERVICE COMPANY OF COLORADO FOR EXPEDITED APPROVAL OF A PARTIAL TEMPORARY VARIANCE FROM CERTAIN QUALITY OF SERVICE PLAN TERMS IN COLO PUC NO. 7 ELECTRIC TARIFF FOR THE PURPOSE OF MAKING ADDITIONAL PAYMENTS TO NEDERLAND CUSTOMERS EXPERIENCING EXTRAORDINARY OUTAGES, AND MOTION FOR WAIVER OF NOTICE AND INTERVENTION PERIOD AND RESPONSE TIME TO THE PETITION.

**DECISION GRANTING PETITION FOR
PARTIAL TEMPORARY VARIANCE AND GRANTING
PETITION FOR LEAVE TO INTERVENE**

Mailed Date: March 7, 2014

Adopted Date: March 5, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Verified Petition for Partial Temporary Variance (Petition) filed by Public Service Company of Colorado (Public Service or Company) on February 19, 2014. Specifically, Public Service seeks a variance for expedited approval of a partial temporary variance from certain Quality of Service Plan (QSP) terms in the Company's Colo. PUC No. 7 Electric Tariff (Tariff) for the purpose of making additional payments in the form of bill credits to Nederland customers who have experienced extraordinary outages (Petition).

2. Public Service's Tariff, Sheet No. 105K, approved by Decision No. C06-1303 in Proceeding No. 05A-288E on November 6, 2006, states that each customer experiencing more than five sustained electric service interruptions will receive an annual bill credit of \$50.00.

3. Public Service, in its Petition, states “electric customers in the vicinity of the town of Nederland, Colorado have experienced an excessive number of sustained electric service interruptions from August, 2013 through January, 2014.” The Company further acknowledges that “The number of outages in Nederland is far beyond the thresholds addressed in the QSP.”

4. Public Service is requesting Commission approval to make a one-time payment of \$200 in the form of bill credit to customers with premises within Nederland and customers with premises outside of the Nederland zip code that are normally served from the Boulder Hydro 2534B feeder downstream of recloser RCL_070-294, located at 45 Hurricane Hill Drive, Nederland, Colorado. The payment will be made from shareholder funds.

5. The specific pages of the tariff from which the variance is sought are as follows:

Sheet 105 - "The QSP also establishes electric service Continuity and Restoration thresholds to measure the level of electric service delivered to individual customers residing within Operating Regions with an Outage Management System (OMS). If the Company's performance falls below the established thresholds for the Performance Year, then the QSP specifies the consequences that follow from such performance, including additional reporting and payment of bill credits under certain circumstances."

Sheet 105K - the limitation of a single annual bill credit of \$50

Sheet 105L - the limitation of a single annual bill credit of \$50

6. By Decision No. C14-0207, mailed February 26, 2014, we shortened the notice and intervention period to the Petition to March 3, 2014 and ordered publication of the notice in *The Mountain Ear* from February 26, 2014 to March 2, 2014.

7. On March 3, 2014, Eldora Mountain Resort, LLC (Eldora) filed a petition for leave to intervene. Eldora states that it is a ski resort west of Nederland and a customer of Public Service. Eldora states that it was and remains affected by the series of Nederland outages at issue in this proceeding. Eldora alleges that Public Service has failed to supply the quantity and quality of power promised and required under state law and applicable electric tariffs.

Eldora supports the Petition because it would expedite the needed relief to Nederland residents; because the Petition is not intended to be an exclusive remedy; and because it is appropriate as partial assistance for the costly burdens that Nederland has suffered.

8. On March 4, 2014, Public Service responded to Eldora's intervention. Public Service does not object to the intervention and agrees that the relief requested in the Petition does not preclude Eldora from pursuing other remedies. Public Service also responds to the quality of service allegations made in the intervention.

9. We find good cause to grant Eldora's unopposed petition for leave to intervene.

10. Section 40-3-101(2), C.R.S., states that "Every public utility shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and the public, and as shall in all respects be adequate, efficient, just, and reasonable." The Company's QSP, as approved by Decision No. R13-0734, Proceeding No. 12A-778EG issued June 18, 2013 provides incentives to maintain the reliability of its electric distribution system in each of the Company's nine Colorado operating regions.

11. The QSP includes a performance threshold for sustained electric service interruptions and provides for a single bill credit of \$50.00 to each customer experiencing more than five interruptions in any one year. We concur that the number of interruptions experienced in the Nederland area far exceeds the number of interruptions contemplated in the QSP. Considering the extraordinary circumstances, the additional \$200.00 bill credit provides customers in Nederland a reasonable level of compensation for the inconvenience experienced. Further, provision of the bill credits at shareholder cost provides the Company with an incentive to prevent similar situations in the future.

II. ORDER**A. The Commission Orders That:**

1. The petition for leave to intervene filed on March 3, 2014 by Eldora Mountain Resort, LLC, is granted.
2. The Verified Petition for Partial Temporary Variance filed on February 19, 2014 by Public Service Company of Colorado is granted.
3. Public Service shall issue credits in the amount of \$200 to customers with premises within Nederland and customers with premises outside of the Nederland zip code that are normally served from the Boulder Hydro 2534B feeder downstream of recloser RCL_070-294, located at 45 Hurricane Hill Drive, Nederland, Colorado within 45 days after the effective date of this Decision.
4. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.
5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 5, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners