

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

PROCEEDING NO. 14V-0551EG

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IN THE MATTER OF THE PETITION OF BLACK HILLS/COLORADO ELECTRIC UTILITY COMPANY, LP, AND BLACK HILLS/COLORADO GAS UTILITY COMPANY, LP FOR A WAIVER OF RULES REGARDING PHASE-IN OF THE LOW-INCOME ENERGY ASSISTANCE PROGRAM ADOPTED IN DOCKET NO. 11R-110EG.

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**DECISION GRANTING PETITION  
FOR WAIVER OF THE LOW INCOME RULES  
INVOLVING PHASE III ELIGIBILITY**

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Mailed Date: June 16, 2014  
Adopted Date: June 11, 2014

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of a Petition for Waiver and Variance of the Low Income Rules Involving Phase III Eligibility (Petition), filed by Black Hills/Colorado Electric Utility Company, LP and Black Hills/Colorado Gas Utility Company, LP (Black Hills) on May 29, 2014.

2. By its Petition, Black Hills seeks to waive Rules 3412(c)(II)(B) of the Commission's Rules Regulating Electric Utilities, 4 Code of Colorado Regulations (CCR) 723-3 for electric utilities and 4412(c)(II)(B) of the Commission's Rules Regulating Gas Utilities and Pipeline Operators, 4 CCR 723-4 for gas utilities, or Phase III of the low income assistance rules. These rules require regulated electric and gas utilities to limit the eligibility of low-income customers to customers that are at or below 185 percent of the federal poverty level for the third and subsequent years of the program. Black Hills filed its Petition on May 29, 2014 pursuant to these instructions.

3. Black Hills states that the Colorado Department of Human Services (CDHS) has not increased its low-income qualification to 185 percent of the federal poverty level, so the data on customers qualifying for that threshold remains difficult and expensive to obtain. Thus, Black Hills requests a waiver of Rules 3412(c)(II)(B) and 4412(c)(II)(B). Black Hills, by its amendment to the waiver also seeks approval to remain at Phase II eligibility and serve customers below 150 percent of the federal poverty level for the 2014 to 2015 program years and subsequently until CDHS has information regarding customers having income between 150 and 185 percent of the poverty level. Black Hills also seeks approval to remain at the Phase II program cost recovery level.

4. No party opposes the Petition. We find good cause to grant the Petition and waive Rules 3412(c)(II)(B) and 4412(c)(II)(B).

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Petition for Waiver and Variance of the Low Income Rules Involving Phase III Eligibility, filed by Black Hills/Colorado Electric Utility Company, LP and Black Hills/Colorado Gas Utility Company, LP on May 29, 2014, is granted, consistent with the discussion above.

2. 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.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 11, 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

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PAMELA J. PATTON

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GLENN A. VAAD

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Commissioners