

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13AL-0958E

IN THE MATTER OF ADVICE LETTER NO. 1649 - ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO IMPLEMENT A NEW METHODOLOGY TO DERIVE PAYMENT RATES APPLICABLE TO QUALIFYING FACILITIES (“QFS”) WITH A DESIGN CAPACITY BETWEEN 10 AND 100KW, TO BECOME EFFECTIVE SEPTEMBER 27, 2013.

**INTERIM DECISION DECLINING TO ADDRESS
REQUEST FOR REHEARING, REARGUMENT,
OR RECONSIDERATION AT THIS TIME**

Mailed Date: October 27, 2014
Adopted Date: October 22, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. By Decision No. C14-1153, issued September 19, 2014 (Decision), the Commission permanently suspended the tariff sheets filed by Public Service Company of Colorado (Public Service or Company) on August 27, 2013, under Advice Letter No. 1649 - Electric (Advice Letter) to approve standard tariffed rates for the purchase of electric power from Qualifying Facilities (QFs) with a design capacity between 10 and 100 kilowatts (kW), and the amended advice letter filed January 16, 2014, by Public Service entitled Advice Letter No. 1649 – Electric Amended (Amended Advice Letter), in addition to ruling on exceptions to Decision No. R14-0911 issued by administrative law judge (ALJ) Jennings-Fader on August 1, 2014. Among the rulings on exceptions, the Commission approved Public Service’s proposed tariff

condition that requires QFs that sell power to Public Service under the small QF tariff to relinquish their associated renewable energy credits (RECs) to the Company.¹

2. The determination in the Decision to permanently suspend the tariff sheets under the Advice Letter and Amended Advice Letter constitute a final decision under §§ 40-6-114 and 40-6-115, C.R.S., as set forth in the Decision.² However, the Commission remanded the proceeding back to the ALJ for additional findings and hearings on how Public Service shall establish forward-looking system marginal energy costs. The Commission stated in paragraph no. 54 of the Decision:

Due to the circumstances in this case, the Commission shall issue a separate final decision in this proceeding, which shall incorporate the substantive determinations made by this Decision on the methodology proposed by Public Service, after the remanded proceedings have concluded and the Commission has findings on the remaining narrow question of how Public Service shall determine forward-looking system marginal energy costs. Therefore, the final decision subject to applicable statutes, including §§ 40-6-114 and 40-6-115, C.R.S., that approves the methods for determining the capacity and energy rate components of this standard rate, will be issued after the remand.

3. The remanded issue is currently pending before the ALJ.

4. On October 9, 2014, Vote Solar filed a request for rehearing, reargument, or reconsideration (RRR) pursuant to § 40-6-114, C.R.S., and requests reconsideration of the determination requiring QFs that sell power to Public Service under the small QF tariff to relinquish their associated RECs to the Company. Vote Solar recognizes the statement that the Decision is not final, with the exception of the suspension of the Advice Letter and Amended Advice Letter, but “nonetheless files this reconsideration request at this stage of the proceeding out of an abundance of caution.”³

¹ Decision, at ¶¶ 61-64.

² Decision, at ¶ 54.

³ Vote Solar RRR, at 4.

5. Consistent with paragraph no. 54 of the Decision, we decline to consider Vote Solar's request at this time. The Decision was not final for purposes of the QF methodology and all other substantive issues, with the exception of the suspension of the tariff sheets. Vote Solar's request shall be considered after the ALJ addresses the remaining concern of establishing a forward-looking system of marginal energy costs in a recommended decision.

II. ORDER

A. The Commission Orders That:

1. The request for rehearing, reargument, or reconsideration shall not be considered at this time, consistent with the discussion above.

2. This Decision is effective upon its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING October 22, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners