

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-1066E

IN THE MATTER OF THE PETITION OF BLACK HILLS/COLORADO ELECTRIC
UTILITY COMPANY, LP, FOR VARIANCE OF COLO. PUC NO. 9, SHEET NO. 100.

DECISION GRANTING PETITION

Mailed Date: November 7, 2014

Adopted Date: November 5, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On October 31, 2014, Black Hills/Colorado Electric Utility Company, L.P. (Black Hills or Company) filed a Petition for Variance (Petition). The Petition seeks an extension to file Black Hills' revised Transmission Cost Adjustment (TCA) tariff, specifically Sheet No. 100 of Black Hills' electric tariff, Colo. PUC No. 9, which requires that the Company file a revised TCA tariff on November 1, 2014, to become effective January 1, 2015. Black Hills requests that the Commission grant the extension until after there is a final Commission decision in Black Hills' Phase I rate case, Proceeding No. 14AL-0393E.

2. In support of its Petition, Black Hills states that it seeks the extension because the TCA tariff requires that "[w]henver the Company implements changes in base rates as the result of a final order in an electric Phase I rate case, it shall simultaneously adjust the TCA to remove all costs that have been included in base rates."¹ Black Hills states that because it proposes certain of the TCA costs to be included in base rates in its Phase I rate case, the TCA cannot be

¹ Petition at ¶ 4.

adjusted to remove these costs until issuance of a final Commission decision in Proceeding No. 14AL-0393E.

3. In addition, Black Hills requests a waiver of the notice and intervention period pursuant to Rule 1003(b) of the Commission's Rules of Practice and Procedure 4 *Code of Colorado Regulations* 723-1, which provides that requests for a waiver or variance to be effective less than 40 days after the date of filing must include a request to waive or shorten the Rule 1206(d) notice and intervention period. Black Hills states that, because the requested relief would only extend the November 1, 2014, filing date of Black Hills' revised TCA tariff for calendar year 2015 until after a final decision in the Phase I rate case, no party will be prejudiced should this relief be granted.

4. We find good cause to grant the relief requested in the Petition. Black Hills shall file its revised TCA tariff after a final decision in the Phase I rate case, Proceeding No. 14AL-0393E. Black Hills shall file the tariff consistent with Commission rules, including without limitation, Rule 1207(g) that any tariff updating adjustment clauses previously approved by the Commission shall be filed on not less than two business days' notice. We also grant Black Hills' request to waive the notice and intervention periods for the Petition pursuant to Rule 1206(d).

II. ORDER

A. The Commission Orders That:

1. The Petition For Variance filed on October 31, 2014, by Black Hills/Colorado Electric Utility Company, L.P. (Black Hills) is granted.

2. Black Hills shall file its Transmission Cost Adjustment tariff after a final decision is issued in Black Hills' Phase I rate case, Proceeding No. 14AL-0393E, consistent with the discussion above.

3. The 20-day period provided in § 40-6-114, C.R.S., to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

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

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners