

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-1102E

IN THE MATTER OF THE PETITION OF BLACK HILLS/COLORADO ELECTRIC
UTILITY COMPANY, LP, FOR VARIANCE OF COLO. PUC NO. 9, SHEET NO. 82.

DECISION GRANTING PETITION

Mailed Date: November 25, 2014

Adopted Date: November 20, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 14, 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 Purchased Capacity Cost Adjustment (PCCA) tariff, specifically Sheet No. 82 of Black Hills' electric tariff, Colo. PUC No. 9, which requires that the Company file a revised PCCA tariff on November 15, 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 argues that, in the Phase I rate case proceeding, the Company proposed that certain of the PCCA costs be included in base rates; therefore, Black Hills cannot adjust its PCCA rider to remove those costs until conclusion of the rate case upon issuance of a final Commission decision.

3. Black Hills states that it seeks the extension because the PCCA tariff provides for: (1) an alternative effective date in that the PCCA shall be effective on January 1st of each year,

or such other date as requested by the Company and made effective by the Commission; and (2) an alternative file date in that the Company will file on November 15th of each year, or on an alternative date as necessary.

4. 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 15, 2014, filing date of Black Hills' revised PCCA 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.

5. We find good cause to grant the relief requested in the Petition. Black Hills shall file its revised PCCA 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 November 14, 2014, by Black Hills/Colorado Electric Utility Company, L.P. (Black Hills) is granted.

2. Black Hills shall file its Purchased Capacity 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 20, 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