

Decision No. C14-1498-I

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

PROCEEDING NO. 14V-1164E

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IN THE MATTER OF THE PETITION OF BLACK HILLS/COLORADO ELECTRIC  
UTILITY COMPANY, LP, FOR VARIANCE OF DECISION NO. C13-0794.

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**INTERIM DECISION SHORTENING NOTICE  
AND INTERVENTION PERIOD**

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Mailed Date: December 19, 2014  
Adopted Date: December 17, 2014

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS,  
OR CORPORATIONS:

**I. BY THE COMMISSION**

**A. Statement**

1. On December 9, 2014, Black Hills/Colorado Electric Utility Company, L.P. (Black Hills or Company) filed a Petition for Variance of Decision No. C13-0794 (Petition) seeking an extension to file its next “Phase II” electric rate case until after completion of the Company’s anticipated “Phase I” rate proceeding to be filed in 2016.<sup>1</sup> Black Hills requests that the notice and intervention period for the Petition be shortened to 10 days.

2. Decision No. C13-0794, issued in the Company’s most recent Phase II rate case, Proceeding No. 12AL-1052E, requires the Company to file a Phase II rate case as soon as

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<sup>1</sup> The primary purpose of a Phase I base rate case is to consider proposed changes to a utility’s revenue requirements. If an increase in revenues is approved by the Commission, the utility generally implements a General Rate Schedule Adjustment (GRSA) rate rider to increase the components of the base rates set forth in its tariffs. In a Phase II rate proceedings, the base rate components set forth in the tariff are adjusted in order to eliminate the GRSA while also enabling the utility to recover the same revenue requirements as established in the most recent Phase I proceeding.

reasonably practical after its next Phase I rate case. That Phase I rate case is presently in its final stages in Proceeding No. 14AL-0393E.<sup>2</sup>

3. Black Hills states that redesigned Phase II rates resulting from Proceeding No. 12AL-1052E became effective August 1, 2013. Black Hills argues that it is appropriate to defer its next Phase II rate case, in part, for more reliable load research data for the period after those rates were implemented.

4. Black Hills further explains that when the Commission approves the proposed Clean Air Clean Jobs Act (CACJA) rate adjustment in in Proceeding No. 14AL-0393E,<sup>3</sup> the Company will be required to file another Phase I electric base rate case in 2016 pursuant to § 40-3.2-207(5), C.R.S.

5. In support of its request for a shortened notice and intervention period, Black Hills states that the Company announced in Proceeding No. 14AL-0393E that it intended to file a variance petition to extend the filing of a Phase II rate case until after the 2016 rate case. Black Hills explains that while no party submitted testimony objecting to this proposal, the Company subsequently conferred with all parties in that proceeding and reports that Staff of the Colorado Public Utilities Commission (Staff) and the Colorado Office of Consumer Counsel oppose the requested variance. In addition, the Company states that it served a copy of the petition on all parties in Proceeding No. 14AL-0393G.

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<sup>2</sup> The GRSA established in Proceeding No. 14AL-0393E will take effect on December 27, 2014.

<sup>3</sup> The Commission approved the CACJA rate mechanism upon consideration of exceptions to Decision No. R14-1298 at its December 10, 2014 weekly meeting.

**B. Findings, and Conclusions**

6. Because Black Hills has served a copy of the Petition on the parties in its pending Phase I rate case, Proceeding No. 14AL-0393E, and has already conferred with them regarding the Petition, we grant Black Hills request for a shortened notice and intervention period. Requests for intervention, including a notice of intervention by right of Staff, shall be due on December 29, 2014.

7. The Petition is available for public inspection at the Commission office located at 1560 Broadway, Suite 250, Denver, Colorado 80202, between 8:00 a.m. and 5:00 p.m., excluding weekends and state holidays. **This Decision is the notice that the Petition for Variance of Decision No. C13-0794 has been filed.**

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

1. The request of Black Hills/Colorado Electric Utility Company, L.P. (Black Hills) to shorten the notice and the intervention period for the Petition for Variance of Decision No. C13-0794 (Petition) filed on December 9, 2014 is granted, in part, consistent with the discussion above. The notice period for the Petition shall extend through and include **December 29, 2014**.

2. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Colorado Public Utilities Commission, shall file a petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party, by **December 29, 2014**. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202.

3. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

4. The deadline for filing responses to any intervention filing is shortened to seven days. Responses to any petitions to intervene shall be filed no later than **January 5, 2015**.

5. The Commission may consider the Petition without a hearing if no notice of intervention as of right or motion to permissively intervene is timely filed, or no notice of intervention as of right or motion to permissively intervene requests a hearing or contests or opposes the Petition.

6. If a hearing is required in this matter, the Commission will notify the parties of the hearing date, time, and location. Black Hills must appear at the hearing, if one is set, and present evidence in support of its Petition. Other parties may appear and present evidence in support of their position.

7. If a party does not meet the requirements of this Decision, the Commission may dismiss or strike the Petition or intervention upon motion filed by any other party, or upon the Commission's own motion, unless good cause for failure to meet the requirements is shown.

8. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 17, 2014.**

(S E A L)



ATTEST: A TRUE COPY

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