

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 13D-0151E

IN THE MATTER OF THE JOINT PETITION OF BOULDER COUNTY AND THE CITY AND COUNTY OF DENVER FOR A DECLARATORY ORDER REGARDING AN ELECTRIC UTILITY'S REPORTING OBLIGATIONS UNDER RULE 3026(E) OF THE COMMISSION'S DATA PRIVACY RULES, EFFECTIVE APRIL 14, 2012.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
ERROR! NOT A VALID LINK.
ESTABLISHING PROCEDURES, GRANTING
INTERVENTIONS, AND SCHEDULING HEARING**

Mailed Date: May 10, 2013

I. STATEMENT

1. This matter comes before the Commission in consideration of a Petition for a Declaratory Order filed jointly by Boulder County and the City and County of Denver (Denver) on March 4, 2013.

2. Boulder County and Denver filed a joint petition for a declaratory order seeking clarification of Rule 3026(e), 4 *Code of Colorado Regulations* 723-3 of the Rules Regulating Electric Utilities. Specifically, Boulder County and Denver seek an order clarifying that “electronic machine-readable form, in conformity with nationally recognized open standards and best practices”(underscoring in original) requires a utility to provide customer data in a format, such as a flat file format, that can be readily manipulated by the third-party recipient. In support of their joint request, Boulder County and Denver note that they received batched Customer Data Reports in a flat file format for three years prior to Rule 3026(e) going into effect in February 2012.

3. On March 21, 2013, the Commission accepted the petition and issued a notice of filing of the petition. Motions to intervene were due April 22, 2013.

4. On April 3, 2013, Public Service Company of Colorado's (Public Service) Motion to Intervene by Permission was filed. On the same day, the Amended Motion was filed to remove the request for hearing included in the original motion. Public Service disagrees with the interpretation of Rule 3026(e) put forward by Boulder County and Denver. In addition, Public Service offers that its "practices, systems, and costs [and the rates ultimately charged to its customers] may be impacted" by this proceeding. Public Service did not provide an alternative interpretation of the language for which Boulder County and Denver are seeking clarification.

5. On April 22, 2013, Black Hills/Colorado Electric Utility Company, L.P., doing business as Black Hills Energy (Black Hills) filed a Motion to Intervene. Black Hills states that it "has a substantial interest in the outcome of this proceeding" and that it "provides customer data as required under Rule 3026(e) and disagrees with any assertion that its format in providing the customer data does not conform to the requirements of the Rule." Black Hills did not provide an alternative interpretation of the language in Rule 3026(e) or explain how its current practice complies with the requirements of the rule.

6. On May 1, 2013, the Commission referred the matter to an Administrative Law Judge (ALJ) by minute entry.

7. A hearing will be scheduled as ordered below. Within the scope of the petition, all parties are requested to specifically address: (a) what is required under Rule 3026(e); and (b) who should bear the burden/cost for transferring data to an alternative format if such is requested by a third-party.

8. In addition to the issues in ¶7, the ALJ informs the petitioners and intervenors of the following questions that are requested to be addressed:

- a) How should the Commission interpret “nationally recognized open standards and best practices” in Rule 3026(e)?
- b) Do “nationally recognized open standards and best practices” for customer data require a particular file format (or a set of formats) or adherence to some other criteria or metric? If the former, please provide a list of potential formats. If the latter, please explain what those criteria are.
- c) How should the Commission understand the criteria that a utility must “provide customer data in a format that can be readily manipulated by the third-party recipient?” Specifically, what does it mean for data to be readily manipulateable? Is this different than the “electronic machine-readable form” stated in Rule 3026(e)? If so, how?
- d) Please explain whether or not an Excel spreadsheet is sufficient to comply with the “electronic machine-readable form” requirements of Rule 3026.

9. Public Service shall be prepared to answer the following additional questions:

- a) Why did Public Service stop providing Customer Data Reports in February 2012 in a batched flat file format where each column contained a specific data point?
- b) Does Public Service believe that the previous version of the reports did not comply with Rule 3026(e)? If so, please explain in detail how the old reports are incompatible with the requirements in the rule.
- c) Are there technical constraints (*e.g.*, a change in software) that prevent Public Service from providing the batched flat file format provided to Boulder and Denver prior to February 2012? If so, please explain those constraints.
- d) Does the Company maintain that there would be additional costs to provide Customer Data Reports in the batched format used prior to February 2012? If so, please describe what those costs would be for and provide a reasonable estimate of those costs.

10. Parties are encouraged to file written responses to these questions on or before June 3, 2013. In addition, the Parties are encouraged to file any other testimony or supporting documents that will provide additional insight into the issues raised by the Petition or the questions above.

11. No objection was filed to the pending requests for intervention filed by Public Service and Black Hills. Good cause is shown for the unopposed requests, they will be granted.

II. ORDER

A. It Is Ordered That:

1. The Motion to Intervene filed by Public Service Company of Colorado's on April 4, 2013, is granted.

2. The Motion to Intervene filed by Black Hills/Colorado Electric Utility Company, L.P., doing business as Black Hills Energy on April 22, 2013, is granted.

3. Parties are encouraged to file written responses to the questions listed above, as well as any supplemental materials, by June 3, 2013.

4. A hearing on the Joint Petition of Boulder County and the City and County of Denver for a Declaratory Order regarding an electric utility's reporting obligations under Rule 3026(E) is scheduled at the following date, time, and place:

DATE: July 1, 2013
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

5. This Order is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director