

Decision No. C14-0207-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0154E

IN THE MATTER OF THE VERIFIED PETITION OF PUBLIC SERVICE COMPANY OF COLORADO FOR EXPEDITED APPROVAL OF A PARTIAL TEMPORARY VARIANCE FROM CERTAIN QUALITY OF SERVICE PLAN TERMS IN COLO PUC NO. 7 ELECTRIC TARIFF FOR THE PURPOSE OF MAKING ADDITIONAL PAYMENTS TO NEDERLAND CUSTOMERS EXPERIENCING EXTRAORDINARY OUTAGES, AND MOTION FOR WAIVER OF NOTICE AND INTERVENTION PERIOD AND RESPONSE TIME TO THE PETITION.

**INTERIM DECISION DENYING REQUEST FOR
WAIVER OF NOTICE AND INTERVENTION
PERIOD, AND SHORTENING NOTICE AND
INTERVENTION PERIOD TO MARCH 3, 2014**

Mailed Date: February 26, 2014
Adopted Date: February 26, 2014

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

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Verified Petition for Variance (Petition) filed by Public Service Company of Colorado (Public Service or Company) on February 19, 2014. Public Service seeks a variance for expedited approval of a partial temporary variance from certain Quality of Service Plan (QSP) terms in the Company's Colo. PUC No. 7 Electric Tariff (Tariff) for the purpose of making additional payments in the form of bill credits to Nederland customers who have experienced extraordinary outages (Petition). The Company also requests a waiver of notice and intervention period and response time to the Petition.

2. Public Service's Tariff, Sheet No. 105K, approved by Decision No. C06-1303 in Proceeding No. 05A-288E on November 6, 2006, states that each customer experiencing more than five sustained electric service interruptions will receive an annual bill credit of \$50.00.

3. Public Service, in its Petition, states "electric customers in the vicinity of the town of Nederland, Colorado have experienced an excessive number of sustained electric service interruptions from August, 2013 through January, 2014." The Company further acknowledges that "[T]he number of outages in Nederland is far beyond the thresholds addressed in the QSP."

4. Public Service is requesting Commission approval to make a one-time payment of \$200 in the form of a bill credit to each customer with premises in Nederland, and those customers with premises outside of the Nederland zip code that are normally served from the Boulder Hydro 2534B feeder downstream of recloser RCL_070-294, located at 45 Hurricane Hill Drive, Nederland, Colorado. The payment will be made from shareholder funds.

5. The specific pages of the Tariff from which the variance is sought are as follows:

Sheet 105 - "The QSP also establishes electric service Continuity and Restoration thresholds to measure the level of electric service delivered to individual customers residing within Operating Regions with an Outage Management System (OMS). If the Company's performance falls below the established thresholds for the Performance Year, then the QSP specifies the consequences that follow from such performance, including additional reporting and payment of bill credits under certain circumstances."

Sheet 105K - the limitation of a single annual bill credit of \$50

Sheet 105L - the limitation of a single annual bill credit of \$50

6. The Petition seeks a partial, temporary, variance from certain above-listed QSP terms in the Company's Tariff for the purpose of making an additional payment of \$200 to Nederland customers who have experienced these extraordinary outages. Public Service states that this payment will be made from shareholder funds.

7. Public Service seeks expedited consideration of the requested partial temporary variance from the QSP terms detailed above. The Company states:

Given the unusually high number of Nederland outages, which occurred within a recent and compressed time frame, the Company believes a more timely response than the anticipated July, 2014 QSP \$50 bill credit payment is necessary. There is a need to quickly acknowledge the extraordinary nature and negative impact of this quantity of sustained outages on our Nederland customers.

8. The Company, in its original Petition, requested a waiver of Rule 1206(a) and (b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, which require that the Commission issue notice within 15 days of the filing of the petition to any party that may be affected by the petition, and a waiver of Rule 1206(c) which provides for a 30-day intervention period.

9. On February 25, 2014, Public Service also filed an Application for Approval of an Alternative Form of Notice and for Approval of Less Than Statutory Notice and for Waiver of Response Time. Public Service seeks approval to publish a notice in the Nederland newspaper of general circulation, *Mountain Ear*, from February 26, 2014 through March 2, 2014. Public Service states that this newspaper notice is in addition to other public outreach already performed by the Company. Public Service attaches the proposed newspaper notice to its filing. The Company seeks to shorten the notice and intervention period to the Petition to March 3, 2014 at 5:00 p.m.

10. Finally, on February 25, 2014, the Company filed an amendment to the Petition incorporating the aforementioned application for approval of an alternative form of notice and shortened notice.

11. The Petition, as amended, is available for public inspection at the Commission's 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 seeking a partial temporary variance from certain QSP terms in the Company's Colo. PUC No. 7 Electric Tariff has been filed.**

12. We agree this matter should be considered on an expedited basis, and find that a shortened notice of the Petition will not unduly delay proposed payments and will provide interested parties the opportunity to comment, object, or intervene in the matter. We find good cause to shorten the notice and intervention period to **5:00 p.m. on March 3, 2014**. We will consider the merits of the Petition during our weekly meeting on March 5, 2014.

13. The Petition seeks Commission approval to provide affected customers with a \$200 bill credit at shareholder expense. Regardless of whether § 40-3-104(1)(c)(I)(D), C.R.S., applies to the Petition, we agree with the Company's proposed public notice to the Nederland customers by publication. Public Service shall file an affidavit of publication.

II. ORDER

A. It Is Ordered That:

1. The request for shortened notice pursuant to Rule 1206(d) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, contained in the Amended Verified Petition for Variance (Petition) filed by Public Service Company of Colorado (Public Service or Company) on February 25, 2014 is granted.

2. The notice period for the Petition shall extend through and including **March 3, 2014**.

3. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Commission, shall file a petition for leave to intervene, or under the Rules of Practice and Procedure, file other appropriate pleadings to become a party, by **March 3, 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. 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 Rules of Practice and Procedure and this Decision.

4. Public Service shall publish a notice to the Nederland customers in the *Mountain Ear*, from February 26, 2014 through March 2, 2014, as proposed in its February 25, 2014 filing. The Company shall file an affidavit of publication.

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 Application.

6. If a hearing is required in this matter, the Commission will notify the parties of the hearing date, time, and location. Public Service 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. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 26, 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

Commissioners

COMMISSIONER GLENN A. VAAD ABSENT.