

Decision No. C14-0453-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0365E

IN THE MATTER OF THE APPLICATION OF BLACK HILLS/COLORADO ELECTRIC UTILITY COMPANY, LP, FOR AN ORDER AMENDING DECISION NO. R13-0791 AUTHORIZING IT TO RE-ALLOCATE CERTAIN CUSTOMER-SITED SOLAR CAPACITY AND MODIFY AND CLARIFY CERTAIN TERMS OF ITS COMMUNITY SOLAR GARDENS CONTRACTS.

**INTERIM DECISION SHORTENING NOTICE AND
INTERVENTION PERIOD TO MAY 12, 2014**

Mailed Date: April 30, 2014
Adopted Date: April 30, 2014

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

I. BY THE COMMISSION

A. Statement and Findings

1. On April 21, 2014, Black Hills/Colorado Electric Utility Company, LP (Black Hills or Company) filed an application to amend Decision No. R13-0791 from Proceeding No. 12A-1207E (Application). Concurrent with the Application, Black Hills filed a Motion to Shorten the Intervention Period (Motion).

2. By Decision No. R13-0791 issued June 27, 2013, the Commission approved, with certain modifications, an amended settlement agreement between Black Hills, Staff of the Colorado Public Utilities Commission (Staff), the Colorado Office of Consumer Counsel (OCC), Western Resource Advocates (WRA), and the Southeast Colorado Solar Coalition (SCSC). In part, the approved settlement agreement allocated capacity to Black Hills' customer-sited solar

program for 2013 and 2014. That decision also approved Black Hills' community solar gardens program in 2014.

3. In the Application, Black Hills requests permission to re-allocate capacity from some categories of its customer-sited solar program to others in order to maximize the use of the funds that are already approved by Decision No. R13-0791. In support of its request, the Company explains that the medium and large categories of its customer-sited solar program have closed because the approved capacity has been exhausted. In addition, low demand in the second tier of its medium category program has left 120 kW of approved capacity unused.

4. Black Hills states in the Motion that it conferred with the parties in Proceeding No. 12A-1207E, including Staff, OCC, WRA, and SCSC, and that they do not oppose either the Motion or the Application. Further, Black Hills states that a shortened intervention period will facilitate the Company's attempt to administer its solar programs with a minimum of disruption.

5. We conclude that a shortened intervention is reasonable and set the deadline for interventions at 5:00 p.m. on May 12, 2014.

6. The Application 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 Application filed by Black Hills requesting Commission approval to amend Decision No. R13-0791 to re-allocate existing solar capacity has been filed.**

II. ORDER

A. It Is Ordered That:

1. Response time to the Motion to Shorten the Intervention Period filed by Black Hills/Colorado Electric Utility Company, LP (Black Hills) on April 21, 2014 is waived and the motion is granted, consistent with the discussion above.

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, other appropriate pleadings to become a party no later than May 12, 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.

3. The Commission may consider the Application 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.

4. 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 Application. Other parties may appear and present evidence in support of their position.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 30, 2014.**

(S E A L)



ATTEST: A TRUE COPY

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

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners