

Decision No. C14-0527

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.

**DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION**

Mailed Date: May 16, 2014

Adopted Date: May 14, 2014

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 requesting that the Commission enter a decision modifying the requirements of Decision No. R13-0791 (Proceeding No. 12A-1207E) and authorizing Black Hills to: (1) re-allocate some capacity still available to be acquired from customer-sited solar facilities in certain system size categories to other categories; and (2) modify and clarify certain terms of its community solar gardens (CSG) contracts (Application).

2. By Decision No. C14-0453-I issued April 30, 2014, the Commission granted the Company's request for a shortened notice and intervention period, setting May 12, 2014 as the deadline to file to intervene or participate as a party in this proceeding.

3. No parties filed to intervene in this matter. In addition, Black Hills states in its Application that it conferred with the parties in Proceeding No. 12A-1207E, including 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), and that no party opposes the relief sought in the Application.

4. By Decision No. R13-0791 issued June 27, 2013, the Commission approved an amended settlement agreement among Black Hills, Staff, the OCC, WRA, and the SCSC. In part, the approved settlement agreement allocated capacity to be acquired in 2013 and 2014 under Black Hills' customer-sited solar program among system size categories and also approved Black Hills' CSG program in 2014.

5. In its Application, Black Hills states that the proposed reallocation of capacity will allow the Company to maximize the use of its approved capacity and funds to sustain its 2014 customer-sited solar program. 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. At the same time, low demand in the second tier of its medium category has left approximately 120 kW of approved capacity unused.

6. Black Hills also states in its Application that the Company is prepared to accept bids for CSGs and that it has found that some developers wish to come forward with bids for a CSG that would utilize the entire 120 kW approved for 2014. The Company therefore seeks Commission approval to accept and evaluate CSG proposals for up to 120 kW. Black Hills also seeks permission to replace the "100 kW" reference in its CSG Interconnection Agreement with "120 kW".

7. As no party has stated grounds for opposition to the Application or made a request for a hearing in this matter, we deem the application complete as of the effective date of this Decision for purposes of § 40-6-109.5, C.R.S.; consider the proceeding to be uncontested; and will determine the matter under Rule 1403 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

8. The requests sought by Black Hills are reasonable and will allow the Company to continue its solar programs with minimal disruptions. We therefore find that granting the Application is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The Application filed by Black Hills/Colorado Electric Utility Company, LP on April 21, 2014 is deemed complete and granted, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 14, 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

PAMELA J. PATTON

GLENN A. VAAD

Commissioners

CHAIRMAN JOSHUA B. EPEL
ABSENT.