

Decision No. C14-1478

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

PROCEEDING NO. 14V-1154E

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IN THE MATTER OF THE PETITION OF BLACK HILLS/COLORADO ELECTRIC UTILITY COMPANY, LP, FOR VARIANCE OF COLO. PUC NO. 9, SHEET NOS. 94B AND 94H.

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**DECISION GRANTING PETITION**

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Mailed Date: December 15, 2014

Adopted Date: December 10, 2014

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

1. On December 2, 2014, Black Hills/Colorado Electric Utility Company, L.P. (Black Hills) filed a Petition for Variance (Petition) seeking an extension to file revisions to its bill credit tariffs for subscribers to community solar gardens (CSGs). Black Hills requests that the Commission grant the extension until after there is a final Commission decision in Black Hills' Phase I electric base rate case, Proceeding No. 14AL-0393E.

2. Black Hills argues that the calculation of the CSG bill credits requires inputs including new base rate levels and the corresponding values for its Transmission Cost Adjustment (TCA) for effect on January 1, 2015.<sup>1</sup>

3. In addition, Black Hills requests a waiver of the notice and intervention period pursuant to Rule 1003(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, which provides that requests for a waiver or variance to be

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<sup>1</sup> By Decision No. C14-1342, issued in Proceeding No. 14V-1066E on November 7, 2014, the Commission granted Black Hills a similar petition for a variance to file its TCA for effect on January 1, 2015 after a final decision is issued in Proceeding No. 14AL-0393E.

effective less than 40 days after the date of filing and must include a request to waive or shorten the Rule 1206(d) notice and intervention period. Black Hills states that, because there is no installed CSG to which the bill credits would apply and because the requested relief would only extend the filing date of the updated CSG bill credits for a short period of time, the notice and intervention period should be waived.

4. We find good cause to grant the relief requested in the Petition. Black Hills shall file its revised tariff sheets for CSG bill credits after a final decision in the Phase I rate case, Proceeding No. 14AL-0393E. Black Hills shall file the tariff consistent with Commission rules, including without limitation, Rule 1207(g) that any tariff updating adjustment clauses previously approved by the Commission shall be filed on not less than two business days' notice. We also grant Black Hills' request to waive the notice and intervention periods for the Petition pursuant to Rule 1206(d).

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Petition for Variance filed on December 2, 2014, by Black Hills/Colorado Electric Utility Company, L.P. (Black Hills) is granted.

2. Black Hills shall file updated tariff sheets for Community Solar Garden Service in Colo. PUC No. 9, after a final decision is issued in Black Hills' Phase I electric base rate case, Proceeding No. 14AL-0393E, consistent with the discussion above.

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

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 10, 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