

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-1121E

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A WAIVER OF RULE 3658 OF THE RULES REGULATING ELECTRIC UTILITIES CONCERNING THE RELOCATION OF A GOVERNMENT ENTITY’S ON-SITE SOLAR SYSTEM.

DECISION GRANTING APPLICATION

Mailed Date: December 29, 2014
Adopted Date: December 22, 2014

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I. BY THE COMMISSION

A. Statement

1. On November 18, 2014, Public Service Company of Colorado (Public Service, the Company, or Applicant) filed a Petition seeking a one-time waiver of Rule 3658(f)(VII)(C) of the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3, concerning relocation of solar equipment and the 90-day out-of-service requirement.

2. In addition, Public Service requests that the Commission grant this Petition without a hearing pursuant to Rule 1403 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1-1403.

3. The Commission noticed this Petition on November 20, 2014, allowing parties until December 22, 2014 to intervene or participate as a party in this proceeding. Due and proper notice of this matter has been given, and no one opposes the granting of the Petition.

B. Background

4. Applicant is an operating public utility subject to the jurisdiction of this Commission and is engaged in the generation, transmission, and distribution of electricity for public uses in various certificated areas within the State of Colorado.

5. Applicant generates electricity from its own power plants to meet its customers' demands and supplements its own generation by occasionally purchasing electricity from other utilities in the west and east interconnections.

6. Public Service is requesting that it be granted a one-time waiver of the requirements of Rule 3658(f)(VII)(C), to the extent such subsections of Rule 3658 allow for the relocation of solar equipment and the 90-day out-of-service requirement. Specifically, the Company requests, where the governmental entity, in this instance, a public school district, has provided the Company with a written notice regarding the relocation of an existing solar array from one school to another school. The Company does not oppose the relocation.

C. Interventions and Public Comment

7. No public comment has been filed.

D. Findings and Conclusions

8. The Commission notes the Company's petition does point out possible ambiguity that some government entities, such as school districts could have with existing Commission Rule 3658. Fundamentally, State and Local government identities who wish to relocate an existing photovoltaic solar array could encounter unforeseen out-of-service duration, extending beyond the allowed 90 days.

9. The Commission Rule 3658(f)(VII)(C) 90-day out of service limitation protects ratepayers who funded the upfront Standard Rebate Offers (SROs), with the expectations that the solar array will remain in service for 20 years. Utilities are to initiate recovery of the *pro rata* share of the SRO offer for arrays relocated and remaining out-of-service beyond the allowed 90 days.

10. The Commission notes that the Company's petition for a one-time rule waiver is in effect a temporary rule change, and absent a rulemaking proceeding where impacted parties can weigh-in, the Commission favors granting a temporary rule waiver. Further, this one-time waiver of that section of Rule 3658 will remain in effect through the end of April 2015.

11. The Commission finds good cause to grant this Petition.

II. ORDER**A. The Commission Orders That:**

1. The petition filed by Public Service Company of Colorado on November 18, 2014 is deemed complete.

2. Public Service Company of Colorado's request for waiver of noted sections of Rule 3658, 4 *Code of Colorado Regulations* 723-3 is granted until April 30, 2015.

3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 22, 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

GLENN A. VAAD

Commissioners