

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19AL-0532E

IN THE MATTER OF ADVICE LETTER NO. 1803-ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS ELECTRIC DEMAND-SIDE MANAGEMENT COST ADJUSTMENT TARIFF.

**INTERIM COMMISSION DECISION REQUIRING
ADDITIONAL INFORMATION IN SUPPORT OF THE
MOTION FOR ALTERNATIVE FORM OF NOTICE**

Mailed Date: October 11, 2019
Adopted Date: October 9, 2019

I. BY THE COMMISSION

A. Statement

1. On October 1, 2019, citing § 40-3-104(1)(c)(I)(D), C.R.S., Public Service Company of Colorado (Public Service or the Company) filed a Motion for Approval of Alternative Form of Notice (Motion) to apply to the Company's Advice Letter No. 1803-Electric, also filed on October 1, 2019. By Advice Letter No. 1803-Electric, the Company seeks to revise its Electric Demand-Side Management Cost Adjustment (DSMCA-E) tariff to implement an increase in the DSMCA-E factors effective January 1, 2020.

2. Public Service states the proposed tariff change increases the DSMCA-E rider. The Company states that the revised 2020 DSMCA-E reflects an increase of \$12,605,238 in annual revenues from the DSMCA-E rates currently in effect.

3. By its Motion, Public Service seeks approval to provide notice of the proposed tariff change using the following alternative form of notice:

(a) filing the change with the Commission, and keeping the filing open for public inspection;

(b) publishing a legal notice (attached to the Motion as Exhibit 1) in *The Denver Post*, on two consecutive Sundays: October 6, 2019, and October 13, 2019; and

(c) providing electronic service of the advice letter and associated tariffs on all parties to Proceeding Nos. 16A-0512EG, the 2017/2018 Biennial DSM Plan proceeding and 18A-0606EG, the 2019/2020 Biennial DSM Plan proceeding.

5. Public Service states that the proposed form of notice is the same as forms approved for past advice letter filings to revise the DSMCA-E. Public Service states that it seeks approval of the proposed form of notice to avoid incurring the expense entailed in other forms of statutory notice. It estimates the cost of providing notice through individual mailings to be over \$668,000. Public Service states that if the Commission determines additional notice is required, it will provide additional notice as ordered.

6. As good cause to grant the Motion, Public Service contends the proposed form of notice will provide direct notice to all parties who participated in the most recent cases involving the Company's DSM plans. Public Service states that, in addition, newspaper notices will provide the required information regarding the DSMCA-E filing to the general public, including the estimated impact on customers.

7. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 *Code of Colorado Regulations* 723-1-1207(b) of the Commission's Rules of Practice and Procedure, a utility may request to provide an alternative form of notice of proposed tariff changes. No responses to such motions are allowed.

B. Findings and Conclusions

8. We conclude that additional information is required to support a decision on whether the alternative form of notice proposed by Public Service to apply to Advice Letter

No. 1803-Electric is reasonable with respect to the Company's stakeholders and its general body of electric ratepayers.

9. On May 30, 2019, Senate Bill (SB) 19-236, was signed into law and became effective immediately. As relevant here, SB 19-236 revised § 40-3-104(1)(c), C.R.S., requirements for customer notice, in the following ways: (1) subsection (1)(c)(I) of the statute now requires that a utility post proposed tariff changes on its website, in addition to filing proposed tariff changes with the Commission; (2) provided certain timelines are met, the revised statute permits bill statements, e-mail notification, and text notification without separate Commission approval; and (3) a utility may request an alternative form of notice pursuant to subsection (1)(c)(I)(E) of the statute,¹ instead of subsection (1)(c)(I)(D).

10. Statutory changes to customer notice requirements were discussed in Decision No. C19-0484-I, issued June 11, 2019 in Proceeding No. 19AL-0309G, Decision No. C19-0489-I, issued June 11, 2019 in Proceeding No. 19AL-0293G, and Decision No. C19-0490-I, issued June 11, 2019 in Proceeding No. 19AL-0290E. These decisions addressed Public Service's requests for alternative form of notice. Each decision stated that going forward, requests for alternative form of notice must be filed pursuant to the revised provisions set forth in the statute.

11. In its Motion, Public Service fails to account for changes to § 40-3-104(1)(c), C.R.S. The Motion does not state that Public Service will post notice of the proposed tariff change on its website, as is now required by subsection (1)(c)(I).² In support of its contention

¹ Section 40-3-104(1)(c)(III) and (2), C.R.S., which together allow utilities increasing rates associated with electric and gas adjustment clauses to provide less notice than is required by subsection (1) of the statute, were not changed by SB 19-236.

² The legal notice attached to the Motion as Exhibit 1 states that a copy of the notice is available on Public Service's website. However, the alternative form of notice requested in the Motion does not include posting the notice on the Company's website.

that it seeks to avoid costs associated with forms of notice set forth by statute, Public Service provides an estimated cost of individual mailings. The Company does not indicate that it determined the costs for, or even considered, other forms of customer notice newly permitted by the statute. Additionally, Public Service cites the outdated statutory provision, subsection (1)(c)(I)(D).

12. Together, these failures to account for changes to the customer notice requirements necessitate additional information. The Motion does not adequately support Public Service's assertion that good cause exists for a deviation from notice forms permitted by statute. Before taking up the merits of the Motion, we direct Public Service to file additional information about why it seeks an alternative to the forms of notice set forth by statute, including notice forms added by SB 19-236. Such additional information is required to determine whether the notice Public Service proposes in the Motion is reasonable.

13. We direct Public Service to provide the additional information in a filing submitted no later than October 18, 2019.

II. ORDER

A. It Is Ordered That:

1. Public Service Company of Colorado (Public Service) shall file additional information in support of the Motion for Approval of Alternative Form of Notice filed on October 1, 2019, consistent with the discussion above. Public Service shall file the required information no later than October 18, 2019.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 9, 2019.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

Commissioners

COMMISSIONER FRANCES A. KONCILJA
ABSENT.