

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 GRANTING
REQUEST FOR ALTERNATIVE FORM OF NOTICE**

Mailed Date: October 31, 2019

Adopted Date: October 23, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On October 1, 2019, 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. In the Motion, Public Service stated the proposed tariff change increases the DSMCA-E rider. The Company stated 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 Decision No. C19-0835-I, issued October 11, 2019, the Commission found that additional information was required to support a decision on whether the alternative form of notice proposed in the Motion was reasonable with respect to Public Service's stakeholders and its general body of electric ratepayers. The Commission stated that Public Service's Motion

failed to account for revisions to the notice requirements in § 40-3-104(1)(c), C.R.S., made by Senate Bill 19-236, which was signed into law on May 30, 2019. In addition to noting that the Motion cited an outdated statutory provision, the Commission stated that the Motion did not indicate whether Public Service would post notice of the proposed tariff change on its website, as is now required by § 40-3-104(1)(c)(I), C.R.S., and that the Motion did not indicate whether the Company had considered notice options that were added by Senate Bill 19-236 such as bill messages, e-mail notification, and text notification. The Commission directed Public Service to file additional information about why it seeks an alternative to forms of notice set forth by statute, including notice forms added by Senate Bill 19-236.

4. In accordance with Decision No. C19-0835-I, the Company filed a Response and Supplemental Motion for Alternative Form of Notice (Supplemental Motion) on October 16, 2019. By its Supplemental 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 also states in its Supplemental Motion that it has posted the proposed tariff changes on its website beginning on October 10, 2019, and that the changes will be posted until rates are effective on January 1, 2020.

6. Public Service states that it believes the proposed forms of notice, in addition to posting the proposed tariff changes on its website, are the most cost-effective and time-efficient means of communication. To explain why it is not providing notice through email or text message, Public Service states that it uses emails for energy efficiency marketing, pre-outage communications, and significant filings such as rate review filings, and that it uses text messages primarily for outage and restoration information. Public Service states that e-mailing or text messaging customers for all filings could cause customer confusion, that there is a concern that frequent noticing or regulatory messages through e-mails or texts will cause customers to unsubscribe or opt out from receiving e-mails or texts, and that customers authorize Public Service to use their email and cell phone numbers for limited purposes, not general use.

7. 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.

8. 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. We find the alternative form of notice proposed by Public Service in its Supplemental Motion to apply to Advice Letter No. 1803-Electric, which the Commission reads as including website posting of the proposed tariff changes in conformance with § 40-3-104(1)(c)(I), C.R.S., is reasonable with respect to the Company's stakeholders and its

general body of electric ratepayers. We therefore find good cause to approve the alternative form of notice requested by Public Service.

II. ORDER

A. It Is Ordered That:

1. The request for alternative form of notice to apply to Advice Letter No. 1803-Electric proposed in the Response and Supplemental Motion for Alternative Form of Notice filed by Public Service Company of Colorado on October 16, 2019, including website posting of the proposed tariff changes in conformance with § 40-3-104(1)(c)(I), C.R.S., is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 23, 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
ABSEMT.