

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

PROCEEDING NO. 19AL-0641E

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IN THE MATTER OF ADVICE LETTER NO. 781 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY TO AMEND THE COMMUNITY SOLAR GARDEN FIXED BILL CREDITS TO BECOME EFFECTIVE JANUARY 1, 2020.

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**INTERIM DECISION GRANTING MOTION FOR  
ALTERNATIVE FORM OF NOTICE**

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Mailed Date: December 2, 2019  
Adopted Date: November 20, 2019

**I. BY THE COMMISSION**

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

1. On November 15, 2019, Black Hills Colorado Electric, LLC (Black Hills or Company) filed a Motion for Approval of Alternative Form of Notice (Motion) that will apply to Advice Letter No. 781-Electric. Through Advice Letter No. 781-Electric, Black Hills seeks to amend its Community Solar Garden (CSG) Fixed Bill Credits on Tariff Sheet No. 941 in its Colo. P.U.C. No. 11-Electric Tariff. The proposed amendments will increase the bill credit for Regular Residential, Large Power Service Primary, and Irrigation customers, and will decrease the bill credit for Other Residential, Non-Demand Small General Service, Demand Small General Service, Primary Large General Service, Secondary Large General Service, Secondary Large Power Service, and Transmission Large Power Service customers, effective January 1, 2020.

2. The Motion pertains only to a request for alternative form of notice for the Company's amendments to reflect the CSG Fixed Bill Credits revisions. However, on November 22, 2019, the Company also filed an advice letter to amend its Energy Payment Rate (Avoided

Cost Rate), with the same effective date of January 1, 2020. Given the Company's requirement during the month of November to amend the CSG Fixed Bill Credits and Avoided Cost Rate, Black Hills seeks approval to provide alternative notice that reflects the filing of these two adjustments. The Company filed a similar motion for alternative form of notice to apply to the Avoided Cost Rate advice letter filing.

3. By its Motion, Black Hills seeks authorization to use the following alternative forms of notice:

(a) filing with the Commission, and keeping open for inspection, Advice Letter No. 781-Electric;

(b) posting Advice Letter No. 781-Electric and the accompanying tariff sheet on the Company's website for 45 days beginning one week after filing the advice letter, and, after the filing of the Avoided Cost Rate advice letter, posting on the Company's website a Customer Notice that provides customers a comprehensive notice of the CSG Fixed Bill Credits and Avoided Cost Rate filings and the impacts of these two filings;

(c) beginning with the December 2019 bill cycle, printing on each applicable customer's bill a message that (1) encompasses the CSG Fixed Bill Credits and Avoided Cost Rate filings, and (2) provides the website URL for the Customer Notice, advice letters, and tariff sheets, and a toll-free phone number for assistance; and

(d) publishing a combined legal notice of the CSG Fixed Bill Credits and Avoided Cost Rate filings in the following newspapers of general circulation for the service territory on the following dates: (1) *The Pueblo Chieftain* (December 10<sup>th</sup> and December 17<sup>th</sup>); (2) the *Cañon City Daily Record* (December 13<sup>th</sup> and December 20<sup>th</sup>); and (3) the *Rocky Ford Daily Gazette* (December 12<sup>th</sup> and December 19<sup>th</sup>).

4. Black Hills requests the alternative form of notice to avoid "time and materials" expense for printing customer bill inserts.

5. Black Hills asserts that good cause exists for the alternative form of notice. The Company states that the bill message provides visibility to the customer because it is presented on the first page of the bill, that the website posting provides the required information to the general

public, and that the toll-free phone number in bill messages will give customers a second option to learn more about the amended tariff if they cannot access the internet. Further, the Company contends the newspaper publication will provide accessible and timely notice across the Company's entire service territory and will provide a comprehensive notice of multiple adjustments to take effect on January 1, 2020.

6. 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.<sup>1</sup> We find the alternative form of notice proposed by the Company is reasonable with respect to the Company's stakeholders and its general body of electric ratepayers. We therefore find good cause to grant the alternative form of notice as requested by the Company.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The Motion for Approval of Alternative Form of Notice filed on November 15, 2019, by Black Hills Colorado Electric, LLC requesting approval of an alternative form of notice to apply to its Advice Letter No. 781, is granted.

2. This Decision is effective on its Mailed Date.

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<sup>1</sup> In its Motion, Black Hills cites to an outdated provision of the statute. The Commission reminds the Company that Senate Bill 19-236 revised § 40-3-104(1)(c), C.R.S., including changing which subsection allows alternative forms of notice.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 20, 2019.**

( S E A L )



ATTEST: A TRUE COPY



Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

FRANCES A. KONCILJA

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JOHN GAVAN

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Commissioners

CHAIRMAN JEFFREY P. ACKERMANN  
ABSENT.