

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19AL-0657E

IN THE MATTER OF ADVICE LETTER NO. 782 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC DOING BUSINESS AS BLACK HILLS ENERGY TO AMEND THE ENERGY PAYMENT RATE TO BECOME EFFECTIVE JANUARY 1, 2020.

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

Mailed Date: December 13, 2019
Adopted Date: December 4, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 22, 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. 782-Electric. Through Advice Letter No. 782-Electric, Black Hills seeks to amend its Energy Payment Rate (Avoided Cost Rate) on Tariff Sheet No. R36 in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff, effective January 1, 2020. The proposed Avoided Cost Rate is \$0.02810 per kWh and is a 34.96 percent increase from the Avoided Cost Rate of \$0.02082 per kWh currently in effect.

2. The Motion pertains only to a request for alternative form of notice for the Company's amendments to reflect the Avoided Cost Rate revision. On November 15, 2019, the Company also filed an advice letter to amend its Community Solar Garden (CSG) Fixed Bill Credits, 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 CSG Fixed Bill Credits 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. 782-Electric;

(b) posting on the Company's website Advice Letter No. 782-Electric, the accompanying tariff sheet, and 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 for 30 days beginning at the time of filing Advice Letter No. 782-Electric;

(c) beginning with the December 2019 bill cycle, printing a message on each applicable customer's bill that (1) encompasses the CSG Fixed Bill Credits and Avoided Cost Rate filings and (2) provides the website URL for the Customer Notice, advice letter, and tariff sheet, 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 10th and December 17th); (2) the *Cañon City Daily Record* (December 13th and December 20th); and (3) the *Rocky Ford Daily Gazette* (December 12th and December 19th).¹

4. Black Hills believes that through the proposed notice forms, it will be able to reach all customers in the service territory in an affordable and efficient manner. The Company states that the additional notice methods prescribed by § 40-3-104(1)(c)(I), C.R.S., either involve unwarranted "time and materials" expenses, or they conflict with the Company's billing cycles. Additionally, to explain why it is not providing notice through email or text message, Black Hills states that a vast number of the Company's customers are not enrolled to receive alerts via email or text.

¹ The requested dates of newspaper publication have been changed from those submitted in the Motion based on discussion with the Company's counsel.

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. 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 22, 2019, by Black Hills Colorado Electric, LLC requesting approval of an alternative form of notice to apply to its Advice Letter No. 782-Electric, is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 4, 2019.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners