

Decision No. C19-1032-I

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

PROCEEDING NO. 19AL-0672E

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IN THE MATTER OF ADVICE LETTER NO. 1813 FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE THE SECONDARY CRITICAL PEAK PRICING SERVICE, PRIMARY GENERAL CRITICAL PEAK PRICING SERVICE AND TRANSMISSION GENERAL CRITICAL PEAK PRICING SERVICE TO BECOME EFFECTIVE JANUARY 1, 2020.

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

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Mailed Date: December 20, 2019

Adopted Date: December 17, 2019

**I. BY THE COMMISSION**

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

1. On December 12, 2019, Public Service Company (Public Service or Company) filed an Amended Motion for Approval of Alternative Form of Notice (Amended Motion) to apply to the Company's Amended Advice Letter No. 1813-Electric, also filed on December 12, 2019.

2. The Company initially filed Advice Letter No. 1813-Electric on November 27, 2019, along with a Motion for Approval of Alternative Form of Notice for the Advice Letter (Initial Motion). Through the initial Advice Letter, Public Service sought to implement revisions to the Critical Peak Pricing (CPP) Service tariffs in its Colorado P.U.C. No. 8 – Electric tariff, to be effective January 1, 2020. The proposed revisions would have: (1) extended CPP Pilot offerings to December 31, 2021; (2) added criteria to the customer availability section to allow customers

with high demand during CPP events to participate; and (3) increased the annual maximum demand limit from 30 MW to 50 MW.

3. In its Initial Motion, in addition to posting the proposed tariff changes on its website and making them available for public inspection consistent with § 40-3-104(1)(c)(I), C.R.S., Public Service sought approval to use the following alternative form of notice:

- a) (a) publishing a legal notice (attached to the Initial Motion as Exhibit 1) in *The Denver Post* on Sunday, December 1, 2019, and Sunday, December 8, 2019; and
- b) (b) sending via electronic mail to all intervenors in Proceeding No. 13A-0836E, the Company's last Renewable Energy Standard Plan.<sup>1</sup>

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2. 4. In its Amended Motion filed December 12, 2019, Public Service states that Amended Advice Letter No. 1813-Electric extends the existing CPP Pilot offerings to December 31, 2021, which is the same program extension proposed by the initial Advice Letter. However, Public Service no longer seeks to add criteria to the customer availability section or increase the annual maximum demand limit. Instead, the Company states that it will address any modifications to the CPP Pilot in its next Phase II Electric Rate Review.

3. 5. In its Amended Motion, in addition to posting the proposed tariff changes on its website and making them available for public inspection consistent with § 40-3-104(1)(c)(I), C.R.S., Public Service seeks approval to use the following alternative form of notice for Amended Advice Letter No. 1813-Electric:

- a) (a) notifying customers currently enrolled in the CPP program by U.S. mail; and
- b) (b) sending notice via electronic mail to all intervenors in Proceeding No. 13A-0836E, the Company's last Renewable Energy Standard Plan.

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<sup>1</sup> The Commission took up the Initial Motion in the December 4, 2019, Weekly Meeting and granted it from the bench. The Amended Motion was filed before the decision on the Initial Motion issued.

4. 6. The Company states that the alternative forms of notice requested in its Amended Motion avoid the expense and confusion entailed in other forms of statutory notice. To explain why it is not providing notice through text message or e-mail other than providing notice to intervenors in Proceeding No. 13A-0836E via e-mail, Public Service states that it uses e-mails for 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.

5. 7. As good cause to grant the motion, Public Service states that the proposed alternative notice should be sufficient to alert affected and interested parties of the changes proposed by its Amended Advice Letter in a timely fashion. The Company states that the requested notice forms will provide direct notice to all parties who participated in the most recent cases involving CPP, and that the mailed notices will provide the required information concerning the CPP filing to participants in the pilot program.

6. 8. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 *Code of Colorado Regulations* (CCR) 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 Public Service in its Amended Motion to apply to Amended Advice Letter No. 1813-Electric 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 Amended Advice No. 1813-Electric proposed in the Amended Motion for Alternative Form of Notice filed by Public Service Company of Colorado on December 12, 2019, is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 17, 2019.**

(S E A L)



ATTEST: A TRUE COPY

*Doug Dean*

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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FRANCES A. KONCILJA

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JOHN GAVAN

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Commissioners