

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19R-0654E

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES REGULATING
ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3, RELATING
TO INTERCONNECTION PROCEDURES AND STANDARDS.

**INTERIM COMMISSION DECISION
STAYING RECOMMENDED DECISION**

Mailed Date: December 2, 2020
Adopted Date: November 18, 2020

I. BY THE COMMISSION

A. Statement

1. This Decision stays Recommended Decision No. R20-0773.

B. Background

2. On November 25, 2019, the Colorado Public Utilities Commission issued a Notice of Proposed Rulemaking (NOPR) to amend the rules governing Interconnection Standards and Procedures (Interconnection Rules) within the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3.¹ This NOPR followed the issuance of a previous NOPR in Proceeding No. 19R-0096E,² which initially included the Interconnection Rules now the subject of this rulemaking proceeding.

3. This NOPR proposed substantive changes to the Interconnection Rules. In the NOPR, the Commission noted that, "The Interconnection Rules are presently located within the

¹ Decision No. C19-0951 (issued on November 25, 2019).

² See Paragraph 23 at pages 8 and 9 of Decision No. C19-0951.

Renewable Energy Standard Rules (RES Rules) at 4 CCR 723-3-3667 *et seq.* This NOPR proposes to move the Interconnection Rules to a new standalone section within 4 CCR 723-3, comprising Rules 4 CCR 723-3-3850 *et seq.*”

4. The Commission noticed the proposed rules, provided with Decision No. C19-0951 in legislative (*i.e.*, with strikeouts and underlines) format and in final format, available to the public through the Commission's Electronic Filings (E-Filings) system.

5. The NOPR adopted a schedule for filing comments and invited interested participants to file initial comments no later than January 7, 2020 and to file reply comments no later than January 21, 2020.

6. The Commission referred this matter to an Administrative Law Judge (ALJ) to preside over rulemaking hearings and for the issuance of a recommended decision.³ ALJ Denman held a public comment hearing on February 3, 2020.

7. By the spring of 2020, the record in this Proceeding contained a large volume of written and oral comments, as well as extensive post-hearing comments and numerous revisions to the proposed rules. In Decision No. R20-0423-I (issued on June 5, 2020), the ALJ found that holding an additional rulemaking hearing was needed to gather additional information from Participants and to help clarify certain issues, so that the ALJ could fully evaluate and consider the arguments and revised rules proposed by the Participants. The additional rulemaking hearing was held on July 27, 2020. Oral comments were presented by representatives of Colorado Solar and Storage Association (COSSA) and Solar Energy Industries Association (SEIA), the Colorado Energy Office (CEO), Western Resource Advocates (WRA), SunShare, Public Service Company of Colorado (Public Service), and Black Hills Colorado Electric LLC (Black Hills).

³ Decision No. C19-0951, Ordering Paragraphs II.A.2 – 6 at pages 20 and 21.

8. On November 5, 2020, ALJ Denman issued Recommended Decision No. R20-0773. The Recommended Decision does not specifically address every comment or every proposed amendment to the Interconnection Rules, as some were clarifications and edits to existing language or format changes and many were not contested. The amendments propose to: 1) introduce a provision that addresses energy storage, pursuant to SB 18-009; (2) reorganize to consolidate provisions that apply generally to all interconnection requests and to separate out specific provisions that apply only to the Level 1 Process for certified inverter-based installations no larger than 10 kW; and (3) various other modifications to bring the rules up-to-date with recent FERC policies and IEEE standards.

C. Findings and Conclusions

9. We find that a stay of the Recommended Decision would be beneficial in helping the Commission explore the potential introduction of Performance Incentive Mechanisms (PIMs) as applied to the Interconnection of Distributed Energy Resources. This likely will entail the solicitation of additional comments focused on the implementation of PIMs through the Interconnection Rules as well as holding an additional public comment hearing prior to January 23, 2021. A hearing is likely needed to preserve the opportunity for the Commission to potentially adopt the PIMs in this rulemaking proceeding

10. This Stay of the Recommended Decision does not impact the deadlines for exceptions, or responses to exceptions, which are due November 25, 2020 and December 9, 2020 respectively.

II. ORDER

A. It Is Ordered That:

1. Recommended Decision No. R20-0773 is stayed upon our own motion.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 18, 2020.**

(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

MEGAN GILMAN

Commissioners