

Decision No. C21-0140-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21AL-0092E

IN THE MATTER OF ADVICE LETTER NO. 802 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC TO INCREASE THE ENERGY COST ADJUSTMENT (ECA) TO BECOME EFFECTIVE APRIL 1, 2021.

**INTERIM COMMISSION DECISION GRANTING IN
PART BLACK HILLS' REQUEST FOR
ALTERNATIVE FORM OF NOTICE**

Mailed Date: March 12, 2021

Adopted Date: March 10, 2021

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On February 26, 2021, Black Hills Colorado Electric, LLC (Black Hills or Company) filed this Motion for Approval of Alternative Form of Notice (Motion). By Advice Letter No. 802-Electric, also filed on February 26, 2021, the Company seeks to amend its Energy Cost Adjustment (ECA) calculation inputs in its Colorado P.U.C. No. 11 – Electric Tariff. The proposed amendments would be effective April 1, 2021 and would increase the ECA rate from \$0.03501 per kWh to \$0.03555 per kWh.

2. Black Hills moves, pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., to provide alternative forms of notice for the revisions to its tariff. In addition to posting the advice letter on its website as mandated by § 40-3-104(1)(c)(I), C.R.S., Black Hills will also post its customer notice (Attachment 1 to its Motion) on its website for 30 days. Additionally, Black Hills is seeking Commission approval to use the following alternative forms of notice:

- Printing a message on each applicable customer’s bill (a bill onsert) over the course of an entire billing cycle. The Motion outlines the proposed onsert language by customer class and Black Hills indicates the messages will include the website URL for the Customer Notice, and the Advice Letter and its accompanying tariff sheet, as well as a toll-free phone number for assistance; and
- Publishing a legal notice in three newspapers of general circulation in its service territory: *The Pueblo Chieftain*, the *Cañon City Daily Record*, and the *Rocky Ford Daily Gazette*, on two consecutive Tuesdays, Fridays, and Thursdays, respectively.

3. Black Hills maintains that good cause exists for the Commission to approve the alternative forms of notice. The Company represents that the alternative forms of notice listed above will reach all customers in the service territory in an expeditious and economic manner.

4. 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 that the alternative forms of notice Black Hills proposes in its Motion will provide notice to its customers and will do so efficiently.

5. However, given the recent extreme cold weather event, we want to ensure that the public understands that Black Hills’ proposed ECA revision excludes the significant expenses incurred because of that event. The customer notice that Black Hills proposes to post on its website does make this clear, but the proposed bill onsert language does not. Therefore, we grant Black Hills’ Motion in part, and order the Company to amend its onsert language to include: “The revision does not address costs in February 2021 and the additional expenses incurred due to the recent extreme cold weather event.”

II. ORDER

A. It Is Ordered That:

1. The Motion for Approval of Alternative Form of Notice filed by Black Hills Colorado Electric, LLC on February 26, 2021, is granted in part with the additional requirement described above.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 10, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN GILMAN

Commissioners