

Decision No. R23-0331-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0024E

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3, TO IMPLEMENT NET METERING FOR INDIVIDUALLY METERED MULTI-UNIT PROPERTIES.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
SCHEDULING SECOND CONTINUED REMOTE PUBLIC
COMMENT HEARING AND ESTABLISHING DEADLINES
FOR FURTHER COMMENTS**

Mailed Date: May 19, 2023

I. STATEMENT

A. Background

1. On January 13, 2023, the Colorado Public Utilities Commission initiated this proceeding by issuing a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Electric Utilities.¹ The NOPR proposed significant changes to the aforementioned rules, described those changes in detail and the justification therefor, attached the Rules in legislative

¹ Decision No. C23-0023

(*i.e.*, ~~strikeout~~/underline) format and in a clean version, established deadlines of February 10, 2023 and February 24, 2023 for initial comments and response comments concerning the proposed rules, respectively, and scheduled a remote public comment hearing for February 28, 2023 at 11:30 a.m. for oral comments regarding the proposed rules. The NOPR also referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

2. On January 25, 2023, the Colorado Solar and Storage Association (COSSA) and the Solar Energy Industries Association (SEIA) filed a Joint Motion to Reschedule the February 28, 2023 Public Comment Hearing (Joint Motion).

3. On February 10, 2023, Black Hills Colorado Electric, LLC and Public Service Company of Colorado filed joint initial comments, COSSA and SEIA filed joint initial comments, and the City of Boulder filed initial comments.

4. On February 21, 2023, the ALJ issued Decision No. R23-0114-I that denied the Joint Motion because the public comment hearing had already been noticed by publication in the Colorado Register. However, the ALJ recognized the importance of COSSA to this rulemaking and, as a result, stated that the public comment hearing on February 28, 2023, would be convened for the sole purpose of continuing it to a future date to accommodate the participation of COSSA and any other public commenters who participated in COSSA's Solar Power and Energy Storage Mountain West Conference.

5. The ALJ convened the remote public comment hearing on February 28, 2023, at 11:30 a.m. Based on input from the participants at the February 28, 2023 remote public comment hearing, the ALJ continued the hearing until April 14, 2023, at 11:30 a.m.

6. On March 3, 2023, the ALJ issued Decision No. R23-0157-I that scheduled the continued remote public comment hearing as stated above.

7. On April 14, 2023, the ALJ convened the continued remote public comment hearing.

B. Second Continued Remote Public Comment Hearing

8. After conferring with the participants at the April 14, 2023 remote public comment hearing, the ALJ continued the hearing until June 15, 2023 at 11:30 a.m. The second continued public comment hearing will be conducted as a remote hearing.

9. The ALJ also set the following deadlines for any further written comments, particularly regarding the data requested in the NOPR:² June 1, 2023, for additional initial comments, and June 9, 2023 for additional response comments.

II. ORDER

A. It Is Ordered That:

1. The second continued remote public comment hearing on the proposed rules and related matters in this proceeding is scheduled as follows:

² See NOPR at 8 (¶ 24).

DATE: June 15, 2023

TIME: 11:30 a.m.

PLACE: By video conference: using the Zoom web conferencing platform at a link in the calendar of events on the Commission's website, available at <https://puc.colorado.gov/>.

2. At the time set for the continued remote hearing, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

3. Interested persons may also submit written comments in this matter by filing them directly in this proceeding using the Commission's e-filing system, including them in an email sent to the Commission, or by entering them through the Commission's website by clicking on the "FILE A COMMENT OR COMPLAINT" link on the Commission's home page and then following the prompts. The Commission's e-filing system, email address, and "FILE A COMMENT OR COMPLAINT" link can be found at <https://puc.colorado.gov/>.

4. Interested persons may also submit oral comments in this matter, either in English or in Spanish, by calling (303) 869-3490 and leaving a voicemail containing the comments.

5. Regardless of which of the above methods is used for submitting comments in this proceeding, the number of this proceeding (22R-0024E) should be identified in submitted comments to aid the Commission's administrative staff in placing the comments in this proceeding.

6. The Commission will equally consider all comments submitted, whether oral or written.

7. The deadlines for additional initial comments and additional response comments as described in paragraph 9 above are June 1, 2023 and June 9, 2023, respectively.

8. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Rebecca E. White'.

Rebecca E. White,
Director