

Decision No. C25-0512-I

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

PROCEEDING NO. 24AL-0377E

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IN THE MATTER OF ADVICE NO. 1960 - ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 - ELECTRIC TARIFF TO MODIFY TIME-OF-USE ("TOU") TARIFFS FOR ELECTRIC SERVICE, INCLUDING TOU PERIODS AND ASSOCIATED TOU RATES AND CHARGES, TO BECOME EFFECTIVE OCTOBER 4, 2024.

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**INTERIM COMMISSION DECISION GRANTING  
MOTION FOR LEAVE TO RESPOND TO RRR AND  
SETTING DEADLINE TO FILE RESPONSE**

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Issued Date: July 10, 2025

Adopted Date: July 9, 2025

**I. BY THE COMMISSION**

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

1. On September 3, 2024, Public Service Company of Colorado ("Public Service" or the "Company") filed Advice Letter No. 1960-Electric ("AL 1960") to modify its time-of-use ("TOU") rate schedules.

2. By Decision No. C24-0662, the Commission set the TOU tariff sheets filed with the advice letter for hearing and suspended their effective date by 120 days pursuant to § 40-6-111(1), C.R.S.

3. By Decision No. C24-0764-I, the Commission scheduled an *en banc* evidentiary hearing for January 13-15, 2025.<sup>1</sup>

4. The evidentiary hearing was held before the Commission *en banc* on January 13, 2025, through January 14, 2025.

5. On January 31, 2025, the following parties filed statements of position (“SOPs”): Public Service, Staff, UCA, Boulder, COSSA/SEIA, EOC, Kroger, WRA, and CRES.

6. By Decision No. C25-0278-I, the Commission directed Public Service to file the same tariff sheets filed with AL 1960 but updated to reflect the Commission’s oral deliberations at its February 9, 2025 Commissioners’ Weekly Meeting. The Company was also directed to file information supporting the calculation of the new TOU rates.

7. On April 25, 2025, Public Service filed updated tariff sheets and supporting calculations in accordance with Decision No. C25-0278-I.

8. By Decision No. C24-0415, issued June 3, 2025, the Commission permanently suspended the tariff sheets filed with AL 1960 and established new TOU base rates for Public Service’s electric customers.

9. On June 23, 2025, Public Service, UCA, and EOC (“Joint Movants”) jointly filed an application for rehearing, reargument, and reconsideration (“RRR”) of Decision No. C24-0415. Joint Movants ask the Commission to modify the On-Peak to Off-Peak price ratios for the winter season.

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<sup>1</sup> Also through Decision No. C24-0764-I, the Commission established the parties to this Proceeding: Public Service; Trial Staff of the Colorado Public Utilities Commission (“Staff”); the Colorado Office of the Utility Consumer Advocates (“UCA”); the Kroger Co. (“Kroger”); the City of Boulder (“Boulder”); Colorado Solar and Storage Association and Solar Energy Industries Association (“COSSA/SEIA”); Energy Outreach Colorado (“EOC”); Western Resource Advocates (“WRA”); and the Colorado Renewable Energy Society (“CRES”).

10. On July 1, 2025, Staff filed a Motion for Leave to Respond to RRR and Request for Shortened Response Time (“Motion”). Staff also requests the Commission set a deadline of July 14, 2025, for the filing of its response.

11. By Decision No. C25-0499-I, the Commission set a shortened response time to the Motion and required a response to be filed by July 7, 2025. Public Service, on behalf of the Joint Movants, timely filed a Response in Opposition to Trial Staff’s Motion (“Response”) on July 7, 2025.

12. In its Motion, Trial Staff asserts the Commission should permit it to file a Response to the joint movants’ RRR under Commission Rule 1506(b) because the application for RRR raises material facts and issues for the first time which Staff did not and could not have addressed during the Proceeding. Specifically, Trial Staff explains that the non-summer price ratios requested in the RRR, and the rates that result from them, are being proposed for the first time here on RRR. Staff further asserts the record does not provide an evidentiary basis for this new proposal.

13. Staff also contends the Joint Movants’ RRR does not provide any explanation as to why these specific price ratios were selected, why they are appropriate, or why the Residential price ratio should differ from the Small Commercial price ratio. Staff asserts the RRR represents a “third bite at the apple” for Public Service regarding a lower winter price ratio and therefore requests permission to respond.

14. Trial Staff also argues the Joint Movants’ RRR contains novel assertions regarding the relationship between a lower non-summer price ratio and customer outreach and education. Staff asserts the Company proffered a witness in this proceeding specifically to support the Company’s ongoing and proposed customer engagement and education strategy but that the witness never argued that the price ratio was in any way relevant to the Company’s outreach and

education efforts. Staff therefore requests the Commission grant its motion for leave to respond pursuant to Rule 1506(b) and requests the Commission set a deadline of July 14, 2025, for the filing of its response.

15. In its Response, Public Service disputes Trial Staff's assertion that the Joint Movants' RRR raises material facts and issues for the first time and argues the Motion does not meet rule 1506(b)'s standard for RRR response. Public Service argues the proposal to modify the non-summer on-to-off peak price ratio was based on information in the Proceeding and asserts that the application for RRR reflects the Company's consistent position regarding the "fundamental relationship" of having matching off-peak rates in the summer and winter months. Public Service also contends the record reflects witness and customer concerns regarding customer acceptance of revised TOU rates. Therefore, the Company asserts there is no basis to Trial Staff's assertion regarding the lack of record support on customer engagement and acceptance concerns with on-peak rates.

16. Considering the Motion and Response, we find good cause to grant Trial Staff's Motion in this limited circumstance. Pursuant to Commission Rule 1506(b)(5), 4 *Code of Colorado Regulations* 723-1, responses to applications for RRR are permitted where a party's motion demonstrates newly discovered facts or issues material for the moving party which it could not, with reasonable diligence, have discovered prior to the time the application for RRR was filed. Trial Staff's Motion satisfies this standard. The modification requested by the Joint Movants is novel, to the extent this is the first time it has been presented outside of a compliance filing, and the issues raised by the Joint Movants go to the heart of several issues material to Trial Staff's case that it could not have addressed during the Proceeding. Accordingly, we grant the Motion.

However, to give the Commission adequate time to review Trial Staff's response, we set July 11, 2025, as the deadline by which the response must be filed.

## II. ORDER

### A. It Is Ordered That:

1. The Motion for Leave to Respond to the Application for Rehearing, Reargument, and Reconsideration of Decision No. filed on July 1, 2025, by Trial Staff of the Public Utilities Commission ("Trial Staff") is granted, consistent with the discussion above.

2. Trial Staff shall file its response no later than July 11, 2025.

3. This Decision is effective immediately upon its Issued Date.

### B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING July 9, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER MEGAN M. GILMAN  
ABSENT