

Decision No. C19-0919

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

PROCEEDING NO. 16AL-0048E

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IN THE MATTER OF ADVICE LETTER NO. 1712 FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ELECTRIC BASE RATES AND CHANGES TO TARIFF SHEETS AND REPLACE PUC NO. 7 WITH PUC NO. 8 TO BECOME EFFECTIVE FEBRUARY 25, 2016.

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PROCEEDING NO. 16A-0055E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS SOLAR\*CONNECT PROGRAM.

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PROCEEDING NO. 16A-0139E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2017-2019 RENEWABLE ENERGY COMPLIANCE PLAN.

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**DECISION DENYING MOTION  
TO EXTEND FILING DATE**

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Mailed Date: November 12, 2019

Adopted Date: November 6, 2019

**I. BY THE COMMISSION**

**A. Statement**

1. This Decision denies the Motion filed by Public Service Company of Colorado (Public Service or Company) on October 9, 2019, requesting to extend the filing of its Residential Time-of-Use (RE-TOU) Advice Letter until on or before August 1, 2020 (Motion). Public Service shall file its RE-TOU Advice Letter by December 2, 2019, consistent with Decision No. C16-1075, issued November 23, 2016.

**B. Discussion, Findings, and Conclusions**

2. On August 15, 2016, Public Service filed a Non-Unanimous Comprehensive Settlement Agreement (2016 Settlement) in these consolidated proceedings, in which it agreed to file an Advice Letter addressing an RE-TOU tariff on December 2, 2019. The 2016 Settlement explained that the RE-TOU Advice Letter would include results of the Company's analysis regarding participation in the Trial Schedule RE-TOU, along with underlying data. The 2016 Settlement includes that the Advice Letter is intended to inform the Commission whether the RE-TOU: (1) requires modification prior to implementing the final RE-TOU rate design for all residential customers; (2) is working well as originally implemented; or (3) should be discontinued.<sup>1</sup>

3. The Commission approved the 2016 Settlement in Decision No. C16-1075, issued November 23, 2016.

4. Through its Motion filed October 9, 2019, Public Service states it requests a partial, one-time variance to Decision No. C16-1075 regarding the December 2, 2019, filing date for the RE-TOU advice letter.<sup>2</sup> Using terms dismissive of the 2016 Settlement, Public Service claims that the filing date is "no longer necessary." The Company includes that a change in "landscape" since the 2016 Settlement was approved leads the Company to believe that removing the "procedural impediment of the December 2, 2019, filing date"<sup>3</sup> provides flexibility and the potential for a more comprehensive, but delayed, report from Navigant, the Company's research consultant.

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<sup>1</sup> 2016 Settlement at p. 33.

<sup>2</sup> Decision No. C16-1075, issued November 23, 2016, at Ordering ¶ 8.

<sup>3</sup> Motion at p. 5.

5. Staff of the Commission (Staff); the Colorado Energy Office (CEO); Vote Solar and Southwest Energy Efficiency Project (SWEEP); and Western Resource Advocates, filed timely responses in opposition to the Motion and are each parties to the 2016 Settlement. Responses include that the extension violates a term of the 2016 Settlement, which includes 80 pages and 23 signatory parties.

6. Staff argues that allowing the extension undermines the 2016 Settlement and that “this thread” could unravel the entire agreement. Staff notes that granting this request would have serious implications for future settlement negotiations if the Commission would grant an individual party a “variance” from approved terms later on. Further still, responses include that the added “benefit” of a consultant report is admittedly not a term of the 2016 Settlement and argue the Company’s preference for a report is not good cause to delay the filing.

7. Responding parties echo these and other concerns with the requested delay.

8. Energy Outreach Colorado (EOC), which is also a party to the 2016 Settlement, also filed a response, but in support of the Company’s Motion. EOC argues it would be more efficient to delay the RE-TOU Advice Letter given the Company’s stated commitment to filing a Phase II rate design proceeding by August 1, 2020, and delay in TOU-AMI meter deployment. However, as SWEEP and Vote Solar point out, even though the Company notes an initial delay in Advanced Metering Infrastructure (AMI) meter deployment, the Company still plans to complete deployment by 2024. Therefore, SWEEP and Vote Solar argue that the Company should maintain the same overall timeline the parties agreed to in the 2016 Settlement.

9. Consistent with the parties that oppose the Motion, we agree that the request is beyond a mere “variance” of a Commission decision. Revision of the December 2, 2019, filing date is in direct contradiction with the approved 2016 Settlement. We agree with responses that

identify the request as seeking to modify not only Decision No. C16-1075, but settled terms agreed to by numerous parties.

10. Furthermore, we find that Public Service's Motion provides no good cause to delay the filing and upset the settled terms. We are unconvinced by the Motion and EOC's supporting statements that potential updates and possible administrative inefficiencies amount to sufficient need to extend the advice letter tariff filing beyond December 2, 2019. The potential filings and possibilities raised are tenuous at best. We agree with party arguments that the requested extension unnecessarily delays evaluation of the RE-TOU trial.

11. The Motion is denied. Public Service shall file its RE-TOU Advice Letter no later than December 2, 2019, consistent with Decision No. C16-1075.

**II. ORDER**

**A. The Commission Orders That:**

1. The Motion for a Variance to Extend Filing Date of its Residential Time-of-Use Advice Letter Until on or Before August 1, 2020, filed by Public Service Company of Colorado (Public Service) on October 9, 2019, is denied, consistent with the discussion above.

2. Public Service shall file its Residential Time-of-Use Advice Letter on or before December 2, 2019, consistent with Decision No. C16-1075.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 6, 2019.**

( S E A L )



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "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