

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

PROCEEDING NO. 19R-0096E

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IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES REGULATING ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3, RELATING TO ELECTRIC RESOURCE PLANNING, THE RENEWABLE ENERGY STANDARD, NET METERING, COMMUNITY SOLAR GARDENS, QUALIFYING FACILITIES, AND INTERCONNECTION PROCEDURES AND STANDARDS.

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**INTERIM DECISION ESTABLISHING  
PROCEDURES FOR THE APRIL 23, 2020 REMOTE  
PUBLIC COMMENT HEARING AND PROVIDING  
INSTRUCTIONS FOR PARTICIPATION**

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Mailed Date: April 15, 2020  
Adopted Date: April 8, 2020

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**I. BY THE COMMISSION**

**A. Statement**

1. On February 27, 2019, the Colorado Public Utilities Commission (Commission)

issued a Notice of Proposed Rulemaking (NOPR) to amend the Commission’s Rules Regulating

Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3 (Electric Rules). The proposed amendments revise the Electric Rules in six areas: (1) the rules governing Electric Resource Planning at 4 CCR 723-3-3600, *et seq.*; (2) the Renewable Energy Standard Rules at 4 CCR 723-3-3650, *et seq.*; (3) the Net Metering Rules presently in 4 CCR 723-3-3664; (4) the rules governing Community Solar Gardens (CSG Rules) presently in 4 CCR 723-3-3665; (5) the provisions for utility purchases from Qualifying Facilities presently at 4 CCR 723-3-3900, *et seq.*; and (6) the Interconnection Standards and Procedures presently in 4 CCR 723-3-3667. The NOPR solicited comment, in addition to scheduling a public comment hearing, which was held April 29 through May 3, 2019.

2. After subsequent written comments and in response to legislative changes enacted by the 2019 General Assembly, through Decision No. C19-0822-I, issued October 7, 2019, the Commission proposed further rule revisions and scheduled a public comment hearing to be held on October 29, 2019. In addition, the Commission later severed both the CSG Rules and Interconnection Standards and Procedures from this Proceeding.<sup>1</sup>

3. At its February 27, 2020, weekly business meeting, as memorialized in Decision No. C20-0207-I, issued April 2, 2020 (April 2020 Decision), the Commission solicited further written comments and scheduled an additional day of public comment hearing to be held on April 23, 2020 before the Commission *en banc*. The April 2020 Decision recognizes that, shortly after deliberations on this matter, on March 10, 2020, Colorado Governor Jared Polis declared a state of emergency over the novel coronavirus pandemic (COVID-19), and that

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<sup>1</sup> As indicated in Decision No. C19-0822-I, the Commission opened rulemaking proceedings through subsequent Decisions No. C19-0900, issued November 5, 2019, Proceeding No. 19R-0608E (Community Solar Garden Rules), and Decision No. C19-0951, issued November 25, 2019, Proceeding No. 19R-0654E (Interconnection Standards and Procedures).

processes for the April 23, 2020, public comment hearing would be established through a separate order.

4. Colorado State government and the Commission have been working diligently to address how to safely and effectively manage the challenges presented by COVID-19. These efforts have focused on limiting the disruption to the services delivered by the Commission (and other State agencies), while attempting to mitigate the risks to State employees and the public. For example, the Commission has been conducting its Weekly Meetings remotely, and the Commission has asked members of the public not to attend meetings in person, but to view them by webcast. More recently, public access to the building containing the Commission's offices and hearing rooms has been restricted and it is unclear when the restriction will be lifted.

5. “[F]or good cause shown,” the Commission can “regulate the course of the hearing, set the time and place for continued hearings, and fix the time for the filing of appropriate documents.” § 24-4-103(13), C.R.S. Under these circumstances, through this Decision, we establish remote public comment processes for the April 23, 2020,<sup>2</sup> hearing, and continue to encourage written comments.

**B. Instructions for Written Comments**

6. Written comments are preferred to oral comments given these unique circumstances.

7. Written comments may be submitted at any time before the April 23, 2020 hearing and will be accepted throughout that day.

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<sup>2</sup> Notably, the Commission has already held a number of public comment hearings and received significant written public comment in this proceeding. Remote access to the continued public comment hearings on April 23, 2020, provides another opportunity for public engagement on the proposed rules. Written comment is also encouraged.

8. Members of the public may provide written comments at:

[puc.colorado.gov/puccomments](http://puc.colorado.gov/puccomments).

9. Registered filers for the Commission's E-filing System should instead submit their comments in this Proceeding through the E-filing System.

**C. Instructions for Accessing the Remote Public Comment Hearing**

10. For those individuals who nevertheless want to provide oral comments at the hearing, the Commission will use the conferencing service GoToMeeting.

11. Members of the public may enter a queue to provide oral comments by dialing **(408) 650-3123** at the time of the hearing. When prompted, the caller shall input **930-259-493** to be placed into the hearing. All participants in the hearing should mute their phones or microphones until called upon to provide comments by Chairman Jeffrey Ackerman (Chairman).

12. The Commission will also provide access to the April 23, 2020 hearing through a GoToMeeting video conferencing platform to individuals who have an e-mail address on file for service for this Proceeding through the Commission's E-filing System. Via an e-mail message sent prior to the start of the hearing, the Commission will provide a link for access to the video conferencing platform. The email will also include applicable instructions to access and participate via the video platform.

13. The April 23, 2020 hearing will be webcast to the general public at [puc.colorado.gov/webcasts](http://puc.colorado.gov/webcasts) (Hearing Room A). Persons seeking to attend the hearing without providing oral comment are encouraged to participate in this manner and should not use the GoToMeeting platforms. Audio recordings will be available 24 hours after the hearing.

14. Additional information and tutorials for using GoToMeeting are available at:

<https://www.gotomeeting.com/meeting/resources/gotomeeting-quick-and-helpful-guide-for-attendees>.

These links are only provided for the convenience of the individuals who plan to participate in the remote public comment hearing, and are not intended to guarantee that the information on the link is accurate or that it provides all the information the parties may need in order to use GoToMeeting.

**D. General Instructions for the Hearing**

15. We intend to focus the April 23, 2020, public comment hearing on oral comments related to the proposed rule revisions discussed in the April 2020 Decision. Nevertheless, participants may address through oral comments, any of the changes to the Electric Rules addressed in this rulemaking proceeding.

16. Participants in the April 23, 2020 hearing are discouraged from orally repeating comments that have been submitted in writing.

17. The following are the procedures for the public comment hearing:

- a) The hearing will be transcribed.
- b) The hearing will begin at 9:00 a.m. and will continue until concluded, but in no event later than 5:00 p.m.
- c) The Chairman will compile a list of commenters and call on each to provide the oral comments. At the outset of the hearing, and periodically during the course of the hearing, the Chairman will ask participants who wish to provide comments to identify themselves and the topics or rules they seek to address.
- d) The Chairman may take commenters in a particular order (*e.g.*, by topic area or rule).
- e) The Chairman may set a time limit for each individual to speak.
- f) The Commissioners may ask clarifying questions of an individual who makes an oral comment at the hearing.

18. Individuals seeking to provide oral comment during the April 23, 2020 public comment hearing are encouraged to provide their name, organization if affiliated, phone number, and topic or topics that they plan to address on or before April 20, 2020, via email at [dora\\_puc\\_website@state.co.us](mailto:dora_puc_website@state.co.us). The email should include Proceeding No. 19R-0096E and the April 23, 2020 hearing date in the subject line. An email sent prior to the hearing is not required to provide oral comment at the hearing. However, participants providing information about their planned participation prior to the hearing will assist the Commission in organizing topics and planning the discussion.

19. In the event of technical difficulties or other unforeseen circumstances, the Commission may continue the meeting to a future date by separate order.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The public comment hearing scheduled to be held on April 23, 2020 by Decision No. C20-0207-I shall be conducted in accordance with the procedures set forth in this Decision. Participants who wish to provide oral comments at the remote public comment hearing must follow the instructions stated above.

2. Individuals may not attend the public comment hearing in-person, because the building containing the Commission's offices and hearing rooms has been closed to the public.

3. Written comments are encouraged and shall be accepted in the proceeding, as discussed above.

4. This Decision is effective immediately.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 8, 2020.**

(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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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners