

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24AL-0377E

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.

**INTERIM COMMISSION DECISION
ADOPTING PROCEDURAL SCHEDULE,
SCHEDULING A REMOTE PUBLIC COMMENT HEARING,
FURTHER SUSPENDING THE EFFECTIVE DATE OF TARIFFS, AND
ESTABLISHING PROCEDURES FOR EVIDENTIARY HEARING**

Issued Date: November 12, 2024

Adopted Date: November 6, 2024

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I. BY THE COMMISSION**A. Statement**

1. On September 3, 2024, Public Service Company of Colorado (“Public Service” or the “Company”) filed Advice Letter No. 1960-Electric 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. The Commission further directed Public Service to confer with the intervening parties to develop and propose a consensus procedural schedule including discovery procedures.

4. On October 28, 2024, Public Service filed an Unopposed Motion for Approval of a Consensus Procedural Schedule (“Motion”).

5. Through this Decision, we adopt a procedural schedule that retains the *en banc* evidentiary hearing in January 2025. We also suspend the effective date of the TOU tariff sheets filed with the advice letter by an additional 130 days pursuant to § 40-6-111(1), C.R.S., and establish procedures for the remote evidentiary hearing.

B. Discussion

6. The Motion presents two options for the procedural schedule for this Proceeding, both of which are unopposed by the parties. One option includes the *en banc* hearing in January 2025 scheduled by Decision No. C24-0764-I, while the alternative option delays the *en banc* hearing to April 2025.

7. The “Expedited Schedule” option with the January 2025 hearing includes the following components:

| Proposed Date | Procedural Milestone |
|---------------------|---|
| November 25, 2024 | Answer Testimony Deadline |
| December 21, 2024 | Rebuttal Testimony and Cross-Answer Testimony Deadline |
| January 8, 2025 | Stipulations and Settlement Agreements Deadline |
| January 9, 2025 | Cross-Examination Matrix, Exhibits, Corrections to Pre-Filed Testimony, and Prehearing Motions Deadline |
| January 13-15, 2025 | Evidentiary Hearing |
| January 31, 2025 | Post-Hearing Statements of Position |

8. The “Expedited Schedule” indicates that even if the hearing were to take place in January 2025, new TOU rates would not be implemented by Public Service until July 1, 2025. Public Service requests four months to implement any new TOU rates even if the accelerated schedule is adopted. Public Service states in the Motion that the Company requires significant lead time to develop and roll out its customer communication and education plans. Public Service states: “Even assuming it is possible for Public Service to begin billing customers on the new TOU rates before the summer cooling season, the Company’s efforts to inform and educate its customers about a significant rate change will be less effective if the period between a final decision in this proceeding and the introduction of new rates is truncated.”¹

9. The Motion further includes an explanation of a preference among several parties for the implementation of new TOU rates later than contemplated by the Commissioners. The parties warn that instituting new TOU rates during the summer could lead to a negative customer experience, resulting in higher opt-out rates. The Motions adds that starting new TOU

¹ Motion, p. 5.

rates outside of the summer season will instead provide an opportunity for customers to familiarize themselves with the new rates and adapt their behavior before the summer.

10. The second “250-Day Schedule” proposed in the Motion follows a more traditional timeline for an advice letter tariff proceeding. This option is specifically supported by Trial Staff of the Colorado Public Utilities Commission, the Colorado Office of the Utility Consumer Advocate, City of Boulder, Energy Outreach Colorado, and the Colorado Solar and Storage Association and the Solar Energy Industries Association. Under this second option, the *en banc* hearing would be scheduled for three days during the week of April 7, 2025, and the implementation of new TOU rates would be in October 2025.

11. Public Service states in the motion that the “250-Day Schedule” will afford the Company additional time to prepare customers for the impending change and would likely lead to better customer adoption. Intervening parties are also concerned that an expedited schedule will not give them sufficient opportunity to review many substantive details, such as the use of a different load forecast in this proceeding compared to other recently filed proceedings.

12. On November 5, 2024, Public Service filed a notice in this Proceeding stating that certain questions posed to the Company through discovery have prompted additional analysis related to future load forecasts and to the load and resources assumptions in the Company’s Just Transition Solicitation filing in Proceeding No. 24A-0442E. Public Service explains that it intends to provide an updated “sensitivity analysis” to parties in this Proceeding on November 15, 2024. Public Service states in its notice that while the Company is not seeking to change the procedural schedule proposals included in the Motion, it asks the Commission to consider that, per the “Expedited Schedule,” intervening parties would have only ten calendar days to consider the Company’s sensitivity analysis by the November 25, 2024, deadline for the filing of Answer

Testimony. Alternatively, concerning the “250-Day Schedule,” Answer Testimony would not be due until January 15, 2025.

13. With respect to Public Service’s conferral with the parties on the proposed procedural schedule, the Company states in the Motion that all parties have conveyed their ability to accommodate both procedural schedules presented in the Motion, making the Motion unopposed. Hence, the Company requests that the Commission waive remaining response time to the motion and grant the Motion.

C. Findings and Conclusions

14. By Decision No. C24-0117, issued in Public Service’s most recent electric cost allocation and rate design case in Proceeding No. 23AL-0243E, the Commission found it necessary to move up the target date for Public Service to file an advice letter to potentially adjust its TOU rates from April 1, 2025 to September 3, 2024 for the purpose of implementing changes to the TOU periods prior to the start of the 2025 summer cooling season. The Commission further found the current time periods for the TOU rates are not well matched with evolving cost drivers. The Commission expected new TOU rates to take effect by May 1, 2025, so that there is at least a one-month period for the Company to communicate with customers and for customers to familiarize themselves with the new peak periods and adjust their behavior, prior to the ramping up of the cooling season.²

15. Acknowledging concerns raised by Public Service and the intervenors to that previous rate case as to customer education and acceptance of the TOU tariffs, the Commission explained that it does not see great adverse effects in making changes to rates and TOU periods beginning with the 2025 cooling season. The Commission added that continuing to train customers

² Decision No. C24-0117, issued in Proceeding No. 23AL-0243E, ¶ 84, pp. 29-30.

on time periods that are out of date may be of limited value and that a measured approach to adjust these periods so that pricing is not sending the wrong signal at the wrong time of day was necessary. The Commission also raised the potential of simultaneously curtailing large amounts of renewable generation resources in the mid-afternoon while rates are higher and discouraging demand, while there was also a need for additional generation to meet growing demand in the late evening. The Commission explained that it is the nature of TOU rates that changes to time periods and rates will be necessary over time to continue to send price signals to reduce the overall costs of the system, so customers will need to become accustomed to periodic modifications. The Commission hence directed Public Service to begin customer education as to the changes in rates and time periods no later than October 2024, recognizing that the initial customer education will necessarily be a nuanced message that alerts and educates customers to the need for constant adjustment of peak hours, based on the evolving system. The Commission contemplated that once the new TOU rates are established, Public Service will be in position to alert customers to the specific changes so that customers can adjust their behavior prior to the cooling season.³

1. Procedural Schedule and Discovery

16. We are unpersuaded by the Motion to adjust the timeline for implementing new TOU rates established in Decision No. C24-0117. We therefore adopt the elements of the consensus procedural schedule that includes the evidentiary hearing in January 2025 scheduled by Decision No. C24-0764-I.

³ Decision No. C24-0117, issued in Proceeding No. 23AL-0243E, ¶ 85, pp. 30-31.

17. Accordingly, the procedural schedule for this proceeding shall be as follows:

| Proposed Date | Procedural Milestone |
|---------------------|---|
| November 25, 2024 | Answer Testimony Deadline |
| December 21, 2024 | Rebuttal Testimony and Cross-Answer Testimony Deadline |
| January 8, 2025 | Stipulations and Settlement Agreements Deadline |
| January 9, 2025 | Cross-Examination Matrix, Exhibits, Corrections to Pre-Filed Testimony, and Prehearing Motions Deadline |
| January 13-15, 2025 | Evidentiary Hearing |
| January 31, 2025 | Post-Hearing Statements of Position |

18. In the event an unopposed, comprehensive Settlement Agreement is reached by the parties, Public Service shall file a motion no later than 12:00 p.m. on January 7, 2025, to modify the hearing dates or other elements of the procedural schedule as appropriate. This filing deadline will permit the Commission to take up such motion at its regular business meeting on January 8, 2025.

19. According to the Motion, there is no controversy over discovery procedures. Discovery in this Proceeding will thus be governed by 4 *Code of Colorado Regulations* (“CCR”) 723-1-1405.

2. Public Comment Hearing

20. Prior to the evidentiary hearing in January 2025, we will conduct a remote public comment hearing. on Tuesday, December 17, 2024, from 4:00 p.m. to 7:00 p.m.

21. The remote public comment hearing will be held using the web-based video conferencing Zoom platform. Members of the public cannot attend the remote public comment hearing in-person. Additional information about participation in the public comment hearings, such as the sign-up sheet, and all relevant information on how to log on to the remote public

comment hearings will be made available on the Commission's public calendar at: <https://puc.colorado.gov/puccalendar>.

22. The remote public comment hearing will be webcast on the Commission's website. This means that those persons wishing to observe but not participate in the public comment hearing may do so by watching the webcast. To observe the remote public comment hearing, enter this link in the web browser <https://puc.colorado.gov/webcasts> and select the audio or video option for Hearing Room A. The Commission encourages interested persons who do not wish to provide comments at the remote public comment hearing to observe it through the webcast rather than Zoom. Doing so will help minimize background noise during the hearing and may assist in the orderly progression of the hearing.

23. A court reporter will live transcribe each of the public comment hearings to create a written record of the comments received. Commenters should give their full name, and spell it, before they give their comments. In general, commenters will be called to speak in the order in which they sign up. The presiding officer may adopt procedures and time limits for comments as necessary to ensure that all members of the public have opportunity to comment, and the transcribed record is clear and understandable. Typical time limits range from one to three minutes for each commenter. To ensure the hearing time is used efficiently, commenters are requested to avoid repetitive comments that re-state filed written comments or repeat oral comments already provided at hearing. As discussed below, written public comment can be filed at any time in the proceeding and will be afforded the same weight as oral comments. Finally, the purpose of a public comment hearing is to provide opportunity for members of the public to provide oral comments. To that end, parties to the Proceeding and their representatives are not permitted to present comments. Individuals may present comments on their own behalf.

24. The Commission will publicize the public comment hearings by press release, announce them on the Commission's public calendar, and make it known by other avenues to the extent resources are available.

25. Participating in the public comment hearing is not the only way to provide comments in this Proceeding. We encourage interested persons to provide written or oral public comments at any time this Proceeding is open. Please include "Proceeding No. 24AL-0377E" in the public comments. Public comments can be provided by:

- Submitting written comments through the Commission's Electronic Filing System (E-Filings) at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>
- Submitting written comments using the Commission's online form or through email at: dora_puc_website@state.co.us. These comments will be posted in E-Filings for this Proceeding.
- Mailing comments to the Commission's offices at: Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, CO 80202
- Calling (303) 869-3490 to leave oral comments (available in both English and Spanish options)

26. Finally, the Commission strives to accommodate all members of the public at its hearings and meetings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Requests for such accommodations should be made at least one week prior to the event by completing the Language Access Form available at the Commission's webcast page.⁴

⁴ <https://puc.colorado.gov/webcasts>.

3. Further Suspension of Tariff Effective Dates

27. As noted above, the Commission, by Decision No. C24-0662, set the tariff sheets submitted with Advice Letter No. 1960-Electric for hearing and suspended their effective date by 120 days through February 1, 2025.

28. Section 40-6-111(1), C.R.S., provides the Commission may, in its discretion, by a separate decision, suspend the effective date of the tariff page(s) for an additional 130 days. Here, in light of the time available, the adopted procedural schedule, and the need for the Commission to have adequate time to deliberate the issues presented in this matter, it is necessary to extend the suspension of the effective date of the tariff sheets for an additional 130 days pursuant to § 40-6-111(1), C.R.S., through June 11, 2025.

4. Procedures for Hearing

29. The evidentiary hearing scheduled for January 13-15, 2025, will be conducted using the Zoom platform. To minimize the potential that the remote hearing may be disrupted by non-participants, Commission staff will distribute the link and meeting ID, or access code, to attend the hearing to the parties by email approximately one week before the hearing, and the parties and witnesses are prohibited from distributing that information to anyone not participating in the hearing.

30. Attachment A to this Decision provides the information addressing how to use the Zoom platform for participating in the remote evidentiary hearing scheduled for January 13-15, 2025. Attachment B provides detailed instructions governing the preparation and presentation of exhibits at hearing. The parties shall review and follow all requirements in this Decision and Attachments A and B, which are incorporated into and made part of this Decision.

31. Hearing exhibits shall be marked numerically and sequentially for identification by the filing parties within their respective blocks of numbers. In order to efficiently organize the numbering and preparation of exhibits for the hearing, all parties shall use a unified numbering system for all hearing exhibits. Parties should not duplicate hearing exhibits or attachments previously filed by another party.

32. The party initiating the proceeding is assigned hearing exhibit numbers 100 to 299.

33. Each intervening person or entity is assigned a block of 100 hearing exhibit numbers (*e.g.*, 300-399, 400-499, etc.) in the chronological order that notices of intervention by right and petitions for permissive intervention are filed, as reflected in the Commission's E-Filings System. As a result, the first person or entity noticing an intervention by right or requesting permissive intervention is assigned hearing exhibit numbers from 300 to 399, the second person or entity is assigned hearing exhibit numbers from 400 to 499, etc. Parties shall rely upon the Commission's E-Filings system to determine sequencing of requests for intervention (*i.e.*, without regard to whether or when the interventions were granted). To determine the sequencing and avoid duplicative use of blocks, parties are encouraged to confer as needed.

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the Unopposed Motion for Approval of a Consensus Procedural Schedule filed by Public Service Company of Colorado on October 28, 2024, is granted, consistent with the discussion above. Response time to the motion is waived.

2. The procedural schedule set forth in ¶ 17 of this Decision is adopted.

3. The rules governing discovery at 4 *Code of Colorado Regulations* (“CCR”) 723-1-1405 shall apply.

4. A remote public comment evidentiary hearing is scheduled in this Proceeding as follows:

DATE: December 17, 2024

TIME: 4:00 p.m. to 7:00 p.m.

METHOD: By video conference or telephone using the Zoom web conferencing platform at a link emailed to all those who register to participate in the public comment hearing.

5. The tariff sheets filed with Advice Letter No. 1960-Electric are suspended an additional 130 days, to June 11, 2025, pursuant to § 40-6-111(1), C.R.S.

6. All participants in the evidentiary hearing scheduled for January 13-15, 2025, by Decision No. C24-0764-I must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

7. The parties and witnesses are required to participate in the January 13-15, 2025, hearing by video conference using Zoom. The parties must ensure that they and their witnesses are ready and able to participate in the evidentiary hearing by video conference, including presenting evidence electronically during the hearing using Zoom.

8. The parties are responsible for sharing the Zoom link, meeting ID code, and passcode to witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing.

9. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 6, 2024**

(S E A L)



ATTEST: A TRUE COPY

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

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners