

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0013EG

IN THE MATTER OF A REPOSITORY PROCEEDING FOR THE FILING OF 2022 ELECTRIC AND GAS LOW-INCOME PROGRAMS ANNUAL REPORTS PURSUANT TO RULES 4 CCR 723-3-3412 AND 4 CCR 723-4-4412.

**INTERIM COMMISSION DECISION SEEKING
COMMENTS ON WHETHER TO DELAY THE NEXT
THIRD-PARTY EVALUATION OF INCOME-QUALIFIED
BILL ASSISTANCE PROGRAMS**

Issued Date: January 27, 2025

Adopted Date: January 22, 2025

I. BY THE COMMISSION

A. Statement

1. By this Decision, we seek a consensus filing or conferral report addressing whether electric and gas utilities, the Colorado Energy Office (“CEO”), and other relevant stakeholders, recommend the Commission issue a variance in the timeline under which the next triennial evaluation of utilities’ Percentage of Income Payment Plan (“PIPP”) programs is filed pursuant to Rules 4 *Code of Colorado Regulations* 723-3-3412 (Rules Regulating Electric Utilities) and 723-4-4412 (Rules Regulating Gas Utilities).

B. Background, Findings, and Conclusions

2. This proceeding was opened administratively on January 3, 2023, to serve as a repository for annual reports on PIPP programs as well as to receive the most recent evaluation of utilities’ PIPP programs pursuant to Electric Rule 3412(k) and Gas Rule 4412(k). Decision No. C23-0095, issued February 9, 2023, further set a scope for this Proceeding, which

recognized the intent “to initiate a broader conversation about overall efforts to support our most disadvantaged customers at a time when volatile natural gas prices have created significant affordability issues.” Through the decision, we explained that we may wish to collect comments or hold Commission Information Meeting’s (“CIM”) on income-qualified bill assistance and customer energy programs to contextualize the findings from the triennial evaluation of programs.

3. On February 22, 2023, we hosted a CIM to discuss utilities’ PIPP programs, bill assistance offered through the Low-Income Energy Assistance Program (“LEAP”) and by Energy Outreach Colorado (“EOC”), and to discuss the statement of work for the 2024 PIPP Evaluation Report. This was followed by a CIM hosted on June 22, 2023, discussing energy programs that are currently available to income-qualified residential customers, including weatherization and other demand-side management and renewable energy programs.

4. On April 5, 2024, CEO filed the final 2024 PIPP Evaluation Report in this Proceeding. Its author, GDS Associates, drew upon in-depth interviews, research on peer programs, analysis of deidentified participant data, online and written surveys, and focus groups to develop its findings and recommendations. The 2024 PIPP Evaluation Report covered a period from November 1, 2019, through October 31, 2022.

5. By Decision No. C24-0329-I, issued May 15, 2024, we sought comments on priorities for implementing the recommendations in the 2024 PIPP Evaluation Report. We also recognized that there have been evolutions in delivery of PIPP programs since the evaluation period. Accordingly, the 2024 PIPP Evaluation Report should be considered the start, rather than the capstone, of our identification of opportunities to enhance program delivery.

6. Participants filed comments on the 2024 PIPP Evaluation Report and other questions we set forth in June 2024. We appreciate participants’ comments and are in the process

of evaluating next steps for this Proceeding, which may include further changes to program rules. In the course of identifying next steps, we subsequently held CIMs on October 25, 2024, to discuss preparations being made by assistance providers for the upcoming winter heating season, and on January 7, 2025, to discuss possible Commission goals, work efforts, and priorities regarding income-qualified bill assistance and energy programs for the upcoming year.

7. As a result of the 2020 PIPP Evaluation Report which was filed in Proceeding No. 20M-0013EG, and subsequent legislation, the Commission initiated Proceeding No. 21R-0326EG, by which we proposed modifications to the PIPP program rules regarding issues like eligibility. Those rules became effective on October 15, 2022, which was less than a month before the end of the three-year period covered by the 2024 PIPP Evaluation Report. With the filing of the 2024 PIPP Evaluation Report, we anticipate that we may wish to consider additional changes to rules in the future. However, consistent with the discussion at the CIM on January 7, 2025, there are many potential ideas that deserve more robust vetting before changes can be proposed. Under current rules, however, the next three-year program evaluation period would be completing on October 31, 2025, resulting in the need to begin the evaluation process again in late 2025 and early 2026.

8. Given the presentations and comments provided in this Proceeding, through separate order and proceedings, the Commission may seek to initiate additional rules changes or explore further policy and practice updates through a separate order and proceeding. This process could potentially include modifications to the current program evaluation process required by rules. We therefore direct regulated utilities to confer with CEO and other stakeholders on whether the currently scheduled evaluation process based on a three-year program evaluation period ending October 31, 2025, should be waived and if a later date would be most efficient and appropriate.

9. Atmos Energy Corporation, Black Hills Colorado Electric, LLC, Black Hills Colorado Gas, Inc., Colorado Natural Gas, Inc., and Public Service Company of Colorado shall provide a conferral statement or consensus filing, with consultation from CEO and other stakeholders as appropriate, regarding whether the timeline set forth in Electric Rule 3412(k) and Gas Rule 4412(k) should be extended before the next evaluation is conducted, and if so, by what time period. We also invite comments on any other administrative issue that should be addressed through this proceeding, or in a potential subsequent proceeding or rulemaking, if such an extension is desirable. For example, conferral and comments can address any concurrent rule waivers that might be needed if the evaluation is extended, including proposed treatment of funding that is set aside for hiring the third-party consultant to complete the evaluation.¹ We request that an appropriate filing be made by February 13, 2025.

II. ORDER

A. It Is Ordered That:

1. Atmos Energy Corporation, Black Hills Colorado Electric, LLC, Black Hills Colorado Gas, Inc., Colorado Natural Gas, Inc., and Public Service Company of Colorado shall file a consensus filing or conferral statement by February 13, 2025, addressing whether to extend the timeline for conducting the next evaluation of income-qualified bill assistance programs, consistent with the discussion above.

¹ Comments could include whether funding set asides that would otherwise be used for evaluation should be used for the programs themselves during any proposed delay, and if any rule changes or waivers would be needed. Conferral and comments should focus on any appropriate waivers or limited processes if delay of the upcoming evaluation is recommended, but can include suggestions for future potential rulemaking through separate proceeding.

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

**B. ADOPTED IN MEETING AND COMMISSIONERS' WEEKLY MEETING
January 22, 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