

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**  
**PROCEEDING NO. 23AL-\_\_\_E**

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**IN THE MATTER OF ADVICE LETTER NO. 854 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC FOR THE DEMAND SIDE MANAGEMENT COST ADJUSTMENT (DSMCA) TO BECOME EFFECTIVE JANUARY 1, 2024.**

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**MOTION FOR APPROVAL OF ALTERNATIVE FORM OF NOTICE**

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Pursuant to C.R.S. § 40-3-104(1)(c)(I)(E) and Rule 1207(b), Black Hills Colorado Electric, LLC (“Black Hills” or “Company”), by its undersigned attorney, requests that the Commission enter an Order approving an alternative form of notice that will apply to Advice Letter No. 854-Electric. By Advice Letter No. 854-Electric, Black Hills seeks to amend its Demand Side Management Cost Adjustment (“DSMCA”) calculation inputs, contained on Tariff Sheet No. 71 in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. The DSMCA is applicable to all retail customers. Black Hills also asserts that conferral is not required for this Motion according to Commission Rule 1400(a)(I), and that responses to this Motion are not allowed according to Commission Rule 1207(b) except for Trial Staff of the Commission and the Utility Customer Advocate within two business days of the filing of the motion. In support of the relief requested, Black Hills states as follows:

1. On October 12, 2023 the Company filed Advice Letter No. 854-Electric to amend its DSMCA rate on Tariff Sheet No. 71, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. The proposed tariff amendment will decrease the DSMCA rate from 2.15% to 2.14%, beginning January 1, 2024.

2. This Motion only pertains to a request for alternative form of notice for the Company’s amendments to its Tariff to reflect the DSMCA revisions. However, the Company on

November 1, November 15, and November 30, 2023, will be filing separate Advice Letter filings to amend portions of its Tariff concerning its Transmission Cost Adjustment (“TCA”), Purchased Capacity Cost Adjustment (“PCCA”), and Energy Cost Adjustment (“ECA”), respectively, all of which will be proposed to be effective January 1, 2024. Given the Company’s requirement to revise its DSMCA, TCA, PCCA, and ECA, the Company is seeking approval in this Motion to provide alternative notice that reflects the filing of these four adjustments.<sup>1</sup> The Commission previously approved consolidated noticing for the TCA, PCCA, and ECA in Decision No. C22-0718-I in Proceeding No. 22AL-0483E.

3. Specifically, Black Hills seeks Commission authorization to use the following form of alternative notice for its amendments to its DSMCA:

- a. Filing with the Commission, and keeping open for inspection, Advice Letter No. 854-Electric, which amends its DSMCA calculation inputs, on Tariff Sheet No. 71, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. The Company will also post on its website at the time of filing: (1) a Customer Notice attached herewith as Attachment 1 – Placeholder Customer Notice (“Customer Notice”) and (2) Advice Letter No. 854-Electric and its accompanying tariff sheet, for thirty (30) days. The website posting will include a reference to the applicable proceeding number. The applicable website address for the posting of Advice Letter No. 854-Electric, Attachment 1 – Customer Notice, and the accompanying tariff sheet is: <https://www.blackhillsenergy.com/billing-and-payments/rates-and-regulatory-information/colorado-rates-and-regulatory-information>. The Customer Notice includes amendments and impacts of the DSMCA, TCA, PCCA, and ECA filings that

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<sup>1</sup> This Motion only seeks Commission approval of alternative form of notice for its amendments to its DSMCA. Black Hills will be seeking similar approval of alternative forms of notice for its amendments to its TCA, PCCA, and ECA.

have been proposed to be effective January 1, 2023, so as to provide customers with complete and comprehensive notice of the changes Black Hills is proposing to their rates. As shown in the Customer Notice, the Customer Notice will explain each adjustment and overall bill impact to customers. Though Black Hills provides for Commission review of the Customer Notice, it will not be posted until after the November 30, 2023, filing of the ECA. Black Hills proposed to post the Customer Notice after this date so that it will provide notice to customers of all the rates changes associated with its DSMCA, TCA, PCCA, and ECA filings.<sup>2</sup>

- b. Printing a message on each applicable customer's bill providing the website URL for the Customer Notice and Advice Letter No. 854-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance, beginning within one week of the filing of Advice Letter No. 854-Electric. The bill messages will run for one full billing cycle. The bill messages, by customer class, read as follows:

**Residential:**

We filed to amend the DSMCA, TCA, PCCA, and ECA rates effective January 1, 2024. If approved, an average monthly residential bill would increase/decrease approximately \$x.xx, or x.xx%. To learn more, visit [blackhillsenergy.com/filings](http://blackhillsenergy.com/filings) or call (888)-890-5554.”

**Small Commercial:**

“We filed to amend the DSMCA, TCA, PCCA, and ECA rates effective January 1, 2024. If approved, an average monthly commercial bill would increase/decrease approximately \$X.XX, or X.XX%. To learn more visit [blackhillsenergy.com/filings](http://blackhillsenergy.com/filings) or call (888)-890-5554.”

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<sup>2</sup> In Attachment 1 – Placeholder Customer Notice, the terms and figures highlighted in yellow will be updated and completed with the filing of Black Hills’ amendments to its ECA. In its ECA filing, Black Hills will provide to the Commission the fully updated Customer Notice, consistent with all proposed changes to the DSMCA, TCA, PCCA, and ECA.

**Other Customers:**

“We filed to amend the DSMCA, TCA, PCCA, and ECA rates effective January 1, 2024. Customers can call (719)-546-6410 or (719)-546-5869 for information on how the proposed amendments may affect them. Customers can also visit [blackhillsenergy.com/filings](http://blackhillsenergy.com/filings) for more details.”

- c. Publishing a legal notice of the DSMCA, TA, PCCA, and ECA Advice Letters following the ECA filing on November 30, 2023 (*i.e.*, Attachment 1 – Placeholder Customer Notice), with size dimensions of four columns width and 11 inches height, in three newspapers of general circulation for the service territory: 1) *The Pueblo Chieftain* (two consecutive Tuesdays, December 5 and December 12); and 2) the *Cañon City Daily Record* (two consecutive Fridays, December 8 and December 15); and 3) the *Rocky Ford Daily Gazette* (two consecutive Thursdays, December 7 and December 14). Given the number of rate adjustments proposed to be effective January 2023 and to avoid customer confusion, the Company is requesting to consolidate the three rate adjustments into one Customer Notice. Consolidating the rate adjustments into one Customer Notice will assist customers in understanding the full scope of impacts associated with the amendments to the DSMCA, TCA, PCCA, and ECA.
- d. In order to properly inform the customers regarding the rate change, the Company would like to use the forms of noticing described above. The Company believes that through noticing customers via bill messages, legal notice publication, and the required website posting, the Company will be able to reach all customers in the service territory in an affordable and efficient manner. In the event the Commission denies this Motion,

and determines that additional notice is required, the Company will provide additional notice consistent with the Commission's order.

4. The alternative form of notice will be less costly and more efficient to perform than the ordinary notice prescribed in § 40-3-104(1)(c)(I)(A) (notice in each newspaper of general circulation in each county in which the public utility provides service), (B) (mailing of a notice to each affected customer), (C) (inclusion of an insert in, or a clear and conspicuous statement on, the bill mailed to each affected customer), and (D) (sending an e-mail or text message to each affected customer). In the event the Commission denies this Motion, and determines that additional notice is required, the Company will provide additional notice consistent with the Commission's order.

5. There is good cause for the alternative form of notice requested by this Motion. The Company's bill message does not conflict with its billing cycle, and it provides visibility to the customer because it is presented on the first page of the bill, where the customer looks for dollar amount due and the payment deadline. The toll-free phone number provided in the bill message will give customers a second option to learn more about the amended tariff if they cannot access the internet for the Company's website. In addition, the newspaper publications will ensure general notice to customers throughout the Company's service territory. The newspaper publications will also provide combined notice of the Company's amendments to its DSMCA, TCA, PCCA, and ECA, granting customers comprehensive notice of multiple adjustments that will take effect on January 1, 2024. These alternative forms of notice are expeditious and economic for the Company's customers.

6. Wherefore, Black Hills respectfully requests that the Commission approve the alternative form of notice set forth in this Motion to amend the DSMCA inputs, on Tariff Sheet No. 71, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff.

Date: October 12, 2023

Respectfully submitted,

By: /s/ Greg Sopkin  
Greg Sopkin, #20997  
Associate General Counsel  
Black Hills Corporation  
1515 Arapahoe Street, Tower 1 – Suite 1200  
Denver, CO 80202  
Telephone: 303-566-3455  
Email: [Greg.Sopkin@blackhillscorp.com](mailto:Greg.Sopkin@blackhillscorp.com)

Attorney for Black Hills Colorado Electric, LLC