

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO
PROCEEDING NO. 23AL-_____ E

IN THE MATTER OF ADVICE LETTER NO. 861 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC TO AMEND THE ENERGY PAYMENT RATE TO BECOME EFFECTIVE JANUARY 1, 2024

MOTION FOR APPROVAL OF ALTERNATIVE FORM OF NOTICE

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. 861-Electric. By Advice Letter No. 861-Electric, Black Hills seeks to amend its Energy Payment rate (“Average Hourly Incremental Cost of Electricity”), on Tariff Sheet No. R36, in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff. The Energy Payment rate is the payment that the Company makes to its net metering customers for excess energy produced from their systems unless they have elected to roll-over excess kWh to the next year. The proposed amendment is to become effective on January 1, 2024. 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 Consumer Advocate, who may file a response within two business days of the filing of the motion. In support of the relief requested, Black Hills states as follows:

1. On November 30, 2023, the Company filed Advice Letter No. 861-Electric to amend its Energy Payment rate on Tariff Sheet No. R36, in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff. The proposed Energy Payment rate is \$0.04217 per kWh and is a 23.4%

decrease from the Energy Payment rate of \$0.05508 per kWh, currently in effect. The proposed tariff amendment has no effect on the Company's revenues.

2. By this Motion, Black Hills seeks Commission approval to provide alternative notice of its proposed tariff amendment.

3. Specifically, Black Hills seeks Commission authorization to use the following form of alternative notice for its amendment to its Energy Payment rate:

- a. Filing with the Commission, and keeping open for inspection, Advice Letter No. 861-Electric, which amends its Energy Payment rate on Tariff Sheet No. R36 in the Rules 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 and (2) Advice Letter No. 861-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. 861-Electric, Attachment 1, and the accompanying tariff sheet is: <https://www.blackhillsenergy.com/billing-and-payments/rates-and-regulatory-information/colorado-rates-and-regulatory-information>.
- b. Printing a message on each applicable customer's bill providing the website URL for the Customer Notice and Advice Letter No. 861-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance, beginning within one week after the filing of Advice Letter No. 861-Electric. The bill messages will run for one full billing cycle. They will read, by customer class, as follows:

Residential – Net Metering Customers:

“We filed to decrease our Energy Payment rate by 23.4% to \$0.04217 per kWh effective Jan 1. This rate represents the payment made to Net Metered

customers for any excess energy production from their systems. Call 888-890-5554 or visit blackhillsenergy.com/filings for details.”

Small Commercial – Net Metering Customers:

“We filed to decrease our Energy Payment rate by 23.4% to \$0.04217 per kWh effective Jan 1. This rate represents the payment made to Net Metered customers for any excess energy production from their systems. Call 888-890-5554 or visit blackhillsenergy.com/filings for details.”

Other Customers – Net Metering Customers:

“We filed to decrease our Energy Payment rate by 23.4% to \$0.04217 per kWh effective Jan 1. This rate represents the payment made to Net Metered customers for any excess energy production from their systems. Call 888-890-5554 or visit blackhillsenergy.com/filings for details.”

- c. Publishing a legal notice of Advice Letter No. 861-Electric (*i.e.*, Attachment 1), 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 5th and December 12th, 2023); and 2) the *Canon City Daily Record* (two consecutive Fridays, December 8th and December 15th, 2023); and 3) the *Rocky Ford Daily Gazette* (two consecutive Thursdays, December 7th and December 14th, 2023).

4. 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.

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. 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 Energy Payment rate, on Tariff Sheet No. R36, in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff.

Date: November 30, 2023

Respectfully submitted,

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