

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**  
**PROCEEDING NO. 19AL-\_\_\_\_\_ E**

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**IN THE MATTER OF ADVICE LETTER NO. 782 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC TO AMEND THE ENERGY PAYMENT RATE TO BECOME EFFECTIVE JANUARY 1, 2020**

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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. 782-Electric. By Advice Letter No. 782-Electric, Black Hills seeks to amend its Energy Payment rate (“Avoided Cost rate”), on Tariff Sheet No. R36, in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff. The Avoided Cost 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, 2020. 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). In support of the relief requested, Black Hills states as follows:

1. On November 22, 2019, the Company filed Advice Letter No. 782-Electric to amend its Avoided Cost rate on Tariff Sheet No. R36, in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff. The proposed Avoided Cost rate is \$0.02810 per kWh and is a 34.96% increase from the Avoided Cost rate of \$0.02082 per kWh, currently in effect. The proposed tariff amendment has no effect on the Company’s revenues.

2. This Motion only pertains to a request for alternative form of notice for the Company's amendments to its Tariff to reflect the Avoided Cost rate revision. On November 15, 2019, in Proceeding No. 19AL-0641E, the Company submitted proposed amendments to its Community Solar Garden ("CSG") Fixed Bill Credits. Given the Company's requirement during the month of November to amend the CSG Fixed Bill Credits and Avoided Cost rate, the Company is seeking approval in this Motion to provide alternative notice that reflects the filings of these two adjustments.<sup>1</sup>

3. Specifically, Black Hills seeks Commission approval to use the following form of alternative notice for its amendment to its Avoided Cost rate:

- a. Filing with the Commission, and keeping open for inspection, Advice Letter No. 782-Electric, which amends its Avoided Cost 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 – Customer Notice ("Customer Notice") and (2) Advice Letter No. 782-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. 782-Electric, Attachment 1 – Customer Notice, and the accompanying tariff sheet is: <http://www.blackhillsenergy.com/rates/applications>. The Customer Notice includes amendments and impacts of the CSG Fixed Bill Credits and Avoided Cost rate filings that will be made in November 2019, so as to provide customers with a complete and comprehensive notice of the changes Black

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<sup>1</sup> This Motion only seeks Commission approval of alternative form of notice for its amendments to its Avoided Cost. On November 1, the Company filed a similar request for approval of alternative form of notice for its amendments to its CSG Fixed Bill Credits. In that filing, the Company explained that it will be seeking alternative form of notice for its amendments to its CSG Fixed Bill Credits and Avoided Cost.

Hills is proposing. As shown in the Customer Notice, the Customer Notice will explain each amendment and impact to applicable customers.

- b. Printing a message on each applicable customer's bill providing the website URL for the Customer Notice and Advice Letter No. 782-Electric and its accompanying tariff sheet, and a toll-free phone number for assistance, beginning with the December 2019 bill cycle, which will encompass the CSG Fixed Bill Credits filed on November 15, 2019 and the Avoided Cost rate amendment filed herein. The bill messages, by customer class, read as follows:

**Residential – Solar and Net Metering Customers:**

“We filed to amend our CSG Fixed Bill Credits and Avoided Cost rate to be effective January 1, 2020. These amendments have no effect on the Company's revenues. Call 888-890-5554 or visit [blackhillsenergy.com/filings](http://blackhillsenergy.com/filings) for more details.”

**Small Commercial – Solar and Net Metering Customers:**

“We filed to amend our CSG Fixed Bill Credits and Avoided Cost rate to be effective January 1, 2020. These amendments have no effect on the Company's revenues. Call 888-890-5554 or visit [blackhillsenergy.com/filings](http://blackhillsenergy.com/filings) for more details.”

**Other Customers – Solar and Net Metering Customers:**

“We filed to amend our CSG Fixed Bill Credits and Avoided Cost rate to be effective January 1, 2020. These amendments have no effect on the Company's revenues. Call 719-546-6410 or visit [blackhillsenergy.com/filings](http://blackhillsenergy.com/filings) for more details.”

- c. Publishing a legal notice of the CSG Fixed Bill Credits and Avoided Cost rate Advice Letters following the Avoided Cost rate filing on November 22, 2019 (*i.e.*, Attachment 1 – 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 3<sup>rd</sup> and December

10<sup>th</sup>); and 2) the *Cañon City Daily Record* (two consecutive Fridays, December 6<sup>th</sup> and December 13<sup>th</sup>); and 3) the *Rocky Ford Daily Gazette* (two consecutive Thursdays, December 5<sup>th</sup> and December 12<sup>th</sup>). Given the number of rate amendments in November 2019 and to avoid customer confusion, the Company is requesting to consolidate the amendments into one Customer Notice. Consolidating the rate amendments into one Customer Notice will assist customers in understanding the full scope of impacts associated with the amendments to the CSG Fixed Bill Credits and Avoided Cost.

4. The above-listed alternative form of notice is necessary, even though Senate Bill 19-236 has changed the alternative form of notices allowable pursuant to C.R.S. § 40-3-104(1)(c)(I). The permissible methods to provide additional notice include: (1) mailing a notice during the first 20 days of the thirty-day period before the effective date; (2) including a bill insert, or a bill message, during a regular billing cycle not later than the 20<sup>th</sup> day of the thirty-day period before the effective date; (3) sending an email or text message to each affected customer for whom the utility has such information; or (4) other methods proposed by the utility, subject to the Commission’s approval.<sup>2</sup> Of these options, the first two are not workable because they either involve unwarranted “time and materials” expenses, or they conflict with the Company’s billing cycles, preventing the Company from delivering bill messages or bill inserts to affected customers during the first 20 days of the thirty-day period before the effective date. The Company issues bills throughout the month covering a 30-day billing cycle. The Company is thus unable to reach all customers with a bill message or bill insert “during the first 20 days of the thirty-day period before the effective date.” The third option of sending an email/text is also

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<sup>2</sup> See C.R.S. § 40-3-104(1)(c)(I).

not workable for the Company. At this current time, a vast number of the Company's customers are not enrolled to receive alerts via email/text. Moreover, the email/text "opt-out" provision of C.R.S. § 40-3-104(1)(c)(VII) will require the Company to provide additional notice according to the forms allowable by C.R.S. § 40-3-104(1)(c)(I) for any customer that opts out of receiving an email/text, which raises the same concerns stated above.<sup>3</sup> In order to properly inform the customers regarding the amendments, 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. The newspaper publications will also provide combined notice of the Company's amendments to its CSG Fixed Bill Credits and Avoided Cost rate, granting customers comprehensive notice of

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<sup>3</sup> Note that while the Company does not believe the alternative form of notice pertaining to customer emails/texts as listed in C.R.S. § 40-3-104(1)(c)(I) is workable, the Company is currently working on other methods to further engage with its customers through such methods.

multiple amendments that will take effect on January 1, 2020. 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 Avoided Cost rate, on Tariff Sheet No. R36, in the Rules section of its Colo. P.U.C. No. 11-Electric Tariff.

Date: November 22, 2019

Respectfully submitted,

By: /s/ Tyler Mansholt

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