BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20AL-_____ E

IN THE MATTER OF ADVICE LETTER NO. 787 FILED BY BLACK HILLS COLORADO ELECTRIC, LLC TO DECREASE THE ENERGY COST ADJUSTMENT (ECA) TO BECOME EFFECTIVE JULY 1, 2020.

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"), requests that the Commission enter an Order approving an alternative form of notice that will apply to Advice Letter No. 787-Electric. By Advice Letter No. 787-Electric, Black Hills seeks to amend its Energy Cost Adjustment ("ECA") calculation inputs, on Tariff Sheet No. 65, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. The ECA 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). In support of the relief requested, Black Hills states as follows:

1. On May 29, 2020, the Company filed Advice Letter No. 787-Electric to amend its ECA calculation inputs, on Tariff Sheet No. 65, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff. The proposed tariff amendments will decrease the ECA rate from $0.03714 per kWh to $0.03452 per kWh, beginning July 1, 2020.

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 amendments to its ECA:

Colorado PUC E-Filings System

a. Filing with the Commission, and keeping open for inspection, Advice Letter No. 787-Electric, which amends its ECA calculation inputs, on Tariff Sheet No. 65, 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. 787-Electric and its accompanying tariff sheets, 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. 787-Electric, Attachment 1, and the accompanying tariff sheets is: http://www.blackhillsenergy.com/rates/applications.

b. Printing a message on each applicable customer's bill providing the website URL for the Customer Notice and Advice Letter No. 787-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. 787-Electric. The bill messages will run for one full billing cycle. They will read, by customer class, as follows:

Residential:
"We filed to decrease our ECA to $0.03452 per kWh effective July 1. If approved, the revision will decrease annual revenues by $5.6M. An average monthly residential bill would decrease $1.63 from $100.41 to $98.78, or 1.62%. Call 888-890-5554 or visit blackhillsenergy.com/filings for details."

Small Commercial:
"We filed to decrease our ECA to $0.03452 per kWh effective July 1. If approved, the revision will decrease annual revenues by $5.6M. An average small commercial bill would decrease $6.27 from $326.90 to $320.63, or 1.92%. Call 888-890-5554 or visit blackhillsenergy.com/filings for details."

Other Customers:
"We filed to decrease our ECA to $0.03452 per kWh

effective July 1. If approved, the revision will decrease annual revenues by $5.6M. Customers can call (719)-546-6410 for information on how the proposed amendment may affect them."

c. Publishing a legal notice of Advice Letter No. 787-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, June 2nd and June 9th); and 2) the *Cañon City Daily Record* (two consecutive Fridays, June 5th and June 12th); and 3) the *Rocky Ford Daily Gazette* (two consecutive Thursdays, June 4th and June 11th).

4. The above-listed alternative form of notice is necessary, even though Senate Bill 19-236 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 20th 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.[1] 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

[1] *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.[2] In order to properly inform 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.

[2] 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.

6. Wherefore, Black Hills respectfully requests that the Commission approve the alternative form of notice set forth in this Motion to amend the ECA inputs, on Tariff Sheet No. 65, in the Rates section of its Colo. P.U.C. No. 11-Electric Tariff.

Date: May 29, 2020

Respectfully submitted,

By: /s/ *Tyler Mansholt*

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