

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

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**IN THE MATTER OF ADVICE LETTER NO. )  
1857-ELECTRIC OF PUBLIC SERVICE )  
COMPANY OF COLORADO TO REVISE )  
ITS COLORADO PUC NO. 8-ELECTRIC ) PROCEEDING NO. 21AL-\_\_\_\_E  
TARIFF TO REVISE JURISDICTIONAL )  
BASE RATE REVENUES, IMPLEMENT )  
NEW BASE RATES FOR ALL ELECTRIC  
RATE SCHEDULES, AND MAKE OTHER  
PROPOSED TARIFF CHANGES  
EFFECTIVE AUGUST 2, 2021**

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**OMNIBUS MOTION OF PUBLIC SERVICE COMPANY OF COLORADO  
FOR APPROVAL OF RATE EFFECTIVE DATE AND RATE DEFERRAL  
SURCHARGE, ALTERNATIVE FORMS OF NOTICE INCLUDING SUPPLEMENTAL  
NOTICE PROPOSAL, AND WAIVER OF RESPONSE TIME, WITH DECISION  
REQUESTED BY JULY 21, 2021**

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**INTRODUCTION AND SUMMARY OF REQUEST**

Pursuant to §§ 40-3-104(1)(a), 40-3-104(1)(c), 40-3-104(2), and 40-6-111(1)(b), Colorado Revised Statutes (“C.R.S.”) and Rules 1003(a), 1207(b), and 1400(a) and (b) of the Colorado Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, 4 Code of Colorado Regulations (“CCR”) 723-1, Public Service Company of Colorado (“Public Service” or the “Company”) hereby files this omnibus Motion (“Motion”) in this Advice No. 1857 proceeding wherein the Company seeks to amend its Colorado P.U.C. No. 8 – Electric tariff, revise its jurisdictional base rate revenues, implement new base rates for all electric rate schedules, and make other proposed tariff changes (“2021 Electric Rate Case”). This Motion addresses the requested rate effective date for this proceeding, the Company’s proposal to defer incremental revenue between the rate

effective date and the rate implementation date for future collection, alternative forms of notice proposals, and a request for waiver of response time.

The Company's Advice Letter filing with direct testimony and attachments ("Advice Letter Filing") supports the Company's need for timely rate relief. That filing, including this Motion, also sets forth the Company's proposal to process this rate case as a combined Phase I (revenue requirement) and Phase II (cost allocation and rate design) case, but in a staggered fashion. Through this Motion, the Company proposes to file its Phase II requests via an amended advice letter (with supplemental direct testimony) and supplemental notice on September 30, 2021 ("Amended Advice Letter Filing"), in order to (i) enable the Company's Phase II proposals to be included in this 2021 Electric Rate Case and to be informed by decisions in the Company's pending Phase II electric rate case in Proceeding No. 20AL-0432E ("2020 Electric Phase II"); (ii) provide all stakeholders more time to process all aspects of both the Phase I and Phase II portions of the case; (iii) enable the Commission's review of the Company's proposed revenue requirements and rate proposals on a more holistic and efficient basis of the combined case; and (iv) provide a framework to transition from the historical practice of separate Phase I and Phase II electric rate case proceedings to a combined Phase I and II 2021 Electric Rate Case.

To facilitate the Combined Rate Case Proposal, in this Motion the Company requests a Commission interim decision establishing April 1, 2022 as the rate effective date for this proceeding (while allowing the Amended Advice Letter Filing (with supplemental notice) to delay actual implementation of new rates on customer bills to the

estimated implementation date of July 8<sup>1</sup>, 2022), and authorizing the Company to defer collection of incremental revenues accrued from April 1, 2022 through July 7, 2022 for recovery through a separate electric Rate Deferral Surcharge (“RDS”) to be recovered at a future time.<sup>2</sup> Collectively, these requests form the Company’s “Combined Rate Case Proposal,” or “Proposal.” The Company also proposes alternative forms of notice to support the Combined Rate Case Proposal.

More specifically, by this Motion, Public Service respectfully asks the Commission to enter an interim decision or decisions by July 21, 2021, taking the following actions:

- 1) Approve the Combined Rate Case Proposal by setting an effective date of April 1, 2022 for new rates in this proceeding notwithstanding the Amended Advice Letter Filing, and authorizing the Company to defer collection of incremental revenue accrued from April 1, 2022 through the rate implementation date for recovery via an RDS tariff to be implemented via a subsequent compliance filing;<sup>3</sup>
- 2) Approve the alternative forms of notice set forth in this Motion, with the forms to be approved dependent on whether the Commission approves the Combined Rate Case Proposal as discussed herein;
- 3) Waive response times to this Motion, as applicable; and
- 4) Approve any other waivers or variances that may be necessary to grant the relief requested herein.

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<sup>1</sup> The dates requested in this Motion to make rates effective and implement recovery are premised on the Company’s estimates of likely Commission action, combined with consideration of relevant statutory deadlines for this rate case filing, following from the initial filing date of July 2, 2021 and the proposed Phase II filing date of September 30, 2021. Some adjustments to these dates may be needed if actual circumstances or statutory deadlines differ.

<sup>2</sup> This implementation framework is similar to that approved in the Company’s most recent combined Phase I and II Gas rate case in Proceeding No. 20AL-0049G.

<sup>3</sup> An illustrative RDS tariff is appended to this Motion as Attachment A and the Direct Testimony of Company witness Mr. Steven P. Berman in this proceeding. However, as set forth in more detail in this Motion, the Company is only requesting that by July 21, 2021, the Commission approve the April 1, 2022 rate effective date and ability to defer incremental revenues from April 1, 2022 through the implementation of final rates in this proceeding, without a return. Such early decisions will provide the Company and other interested stakeholders with better understanding of the likely scope of this proceeding. The specific timeline for recovery of incremental revenues through the RDS can be determined in the course of the proceeding.

The Company believes it is most efficient for the Commission to address the matters in this Motion collectively. However, should the Commission wish to bifurcate its decisions on this Motion, the Company requests that the Commission at a minimum address the Company's Combined Rate Case Proposal, including its request for an April 1, 2022 rate effective date and RDS, on or before July 21, 2021, and waive the response time on this portion of the Motion.

#### **STATEMENT REGARDING CONFERRAL**

Pursuant to Rule 1400(a), because this Motion is being filed concurrently with the Company's Advice Letter Filing initiating this proceeding, at the time of filing this Motion no interventions have occurred. Accordingly, the Company has not conferred with any party regarding this Motion.

#### **MOTION**

In support of this Motion and its request for a Commission decision or decisions by July 21, 2021, Public Service states as follows:

1. On July 2, 2021, the Company filed Advice No. 1857 – Electric, seeking to amend the Company's Colorado P.U.C. No. 8 – Electric tariff. The purpose of the Advice Letter Filing is to initiate this 2021 Electric Rate Case by which Public Service seeks to undertake a Phase I (revenue requirement) to implement new revenues, reset the currently effective General Rate Schedule Adjustment ("GRSA") and GRSA-Energy ("GRSA-E") as applied to all base rates currently in effect, and make additional tariff changes in the Company's Colorado P.U.C. No. 8 – Electric tariff. The proposals in this 2021 Electric Rate Case are supported in more detail by the Company's Direct Testimony and Attachments filed as part of the aforementioned Advice Letter Filing.

2. Pursuant to § 40-3-104(1)(a), C.R.S., in its Advice Letter Filing Public Service has set forth an August 2, 2021 effective date for rate and tariff changes. However, the Company expects that the Commission will set the matter for hearing and suspend the effective date of the tariffs. If the Company were to proceed solely with the Phase I portion of this 2021 Electric Rate Case based on Advice No. 1857 as filed, Public Service estimates the rate effective date after suspension would be on or about April 9, 2022. In its Advice Letter Filing, the Company has requested a rate effective date of April 1, 2022.

3. While it was necessary to initiate the 2021 Electric Rate Case at this time to facilitate the Company's recovery of costs it has incurred since its last Phase I electric rate case, Public Service does not anticipate a Commission decision in its currently pending 2020 Electric Phase II until autumn of 2021.<sup>4</sup> The outcomes of the 2020 Electric Phase II, which are presently unknown, are expected to impact the rates, bill impacts, rate schedules, and other tariff provisions for Public Service's electric service customers.

4. Since it is neither reasonably feasible nor in line with regulatory efficiency to file a new Phase II rate case while the significant issues presented in the 2020 Electric Phase II remain pending, the Company's Advice Letter Filing includes a proposal to incorporate a Phase II (class cost of service study ("CCOSS"), revenue distribution, rate design and other rate-related proposals and tariff changes) into the 2021 Electric Rate Case via the Amended Advice Letter Filing (including supplemental direct testimony and attachments) on September 30, 2021.

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<sup>4</sup> The statutory deadline in the 2020 Electric Phase II expires on September 9, 2021, with a rate effective date of September 10, 2021.

5. The Amended Advice Letter Filing, along with a supplemental notice (“Supplemental Notice”), would incorporate additional requests based on a new CCOSS, class revenue distribution, rate design, and related issues, which will in turn incorporate the requested increase to base rate revenue and be informed by the outcomes of the Commission’s decisions in the pending 2020 Electric Phase II. Through the Amended Advice Letter Filing, the Company will further identify the bill impacts and base rates resulting from the 2020 Electric Phase II in conjunction with the Company’s requests in this 2021 Electric Rate Case, and provide additional discussion regarding such other Phase II issues as the Company may propose therein. This Combined Rate Case Proposal is discussed in more detail in the Advice Letter Filing, including in the Direct Testimony of Company witnesses Ms. Brooke A. Trammell and Mr. Steven W. Wishart.

**A. Request for Interim Decision Approving Combined Rate Case Proposal**

6. The Company notes that the proposed Amended Advice Letter Filing and provision of the Supplemental Notice may adjust the statutory deadline for the Commission to issue a decision in the combined case, with the statutory suspension period expiring no later than July 7, 2022, with a July 8, 2022 rate effective date. This additional time is expected to be beneficial, as it will provide more time for intervenors and the Commission to process all aspects of this, if approved, combined case. The amendment process proposed by the Company will also facilitate moving from separate Phase I and Phase II electric rate cases to a combined case, providing the Commission with the ability to assess Phase I and Phase II issues in a single case, which is also consistent with certain key stakeholders’ preference to avoid an interim GRSA.

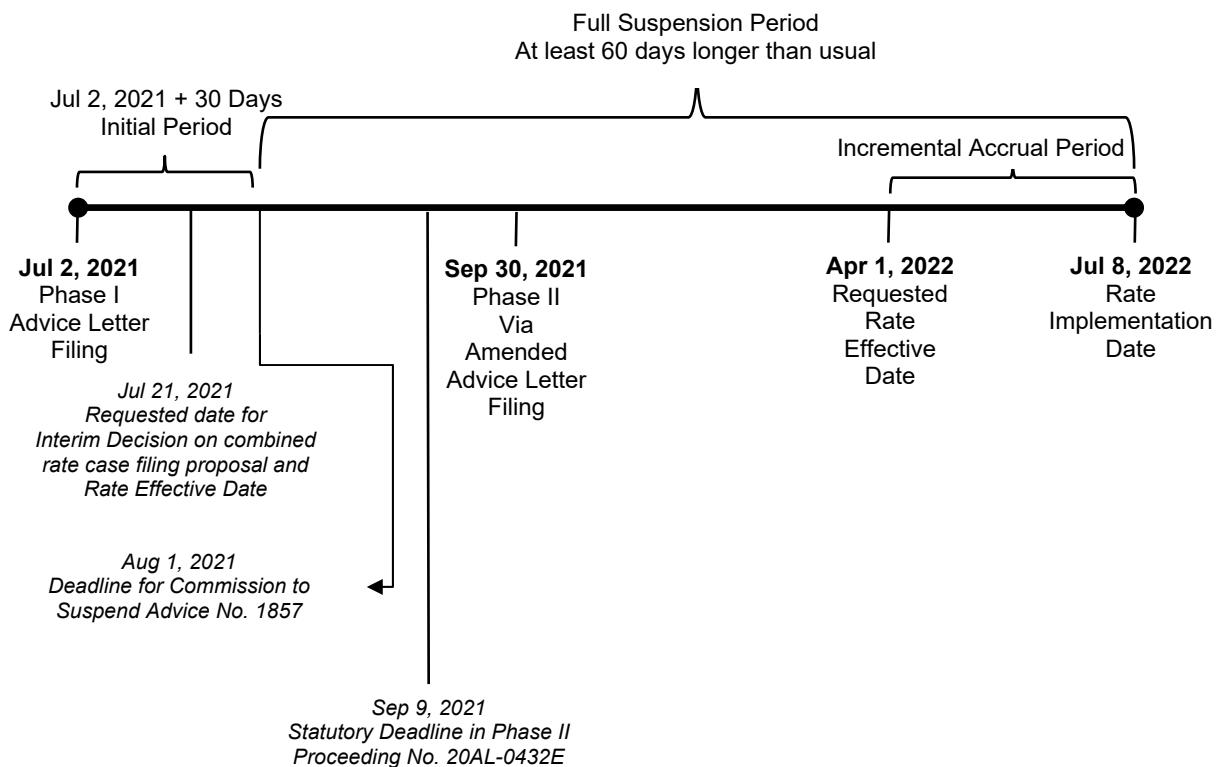
7. However, due to the Company's current need for rate relief and the significant investments it is undertaking to provide reliable, safe, environmentally-sound, and cost-effective electric service to customers, time is of the essence with respect to the rate effective date for this proceeding. To facilitate a combined Phase I and Phase II proceeding while accommodating the pending 2020 Electric Phase II, expanding the timeframe for completion of this proceeding, and enabling the Company to timely book the additional revenues requested in this proceeding, Public Service requests that the Commission approve its Proposal, and formally adopt April 1, 2022 as the rate effective date notwithstanding the Amended Advice Letter Filing, and allow the Company to defer collection of incremental revenues accrued from April 1, 2022 until the July 8, 2022 rate implementation date, without a return, for collection in a future period. To accomplish this, Public Service has included a proposed electric RDS tariff as Attachment A to this Motion. If the Company's Combined Rate Case Proposal is approved as set forth in this Motion, the RDS could take effect by means of a compliance filing prior to the April 1, 2022 rate effective date.<sup>5</sup>

8. The timeline for this Combined Rate Case Proposal is illustrated by Figure 1, below:

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<sup>5</sup> As with the initial RDS tariff filing in the Company's 2020 combined gas rate case, the compliance tariff would establish initiation of the deferral period, with placeholders to insert the actual RDS amounts before initiating the RDS recovery period through a subsequent compliance filing.

**FIGURE 1: Proposed Combined Rate Case Timeline**



9. While not specifically part of the Company's Combined Rate Case Proposal for which it seeks approval by this Motion (because the specific timeframe for RDS recovery can be determined during the course of this proceeding), Public Service proposes that the recovery period for the incremental revenues accrued from April 1, 2022 through July 7, 2022 would be achieved by application of the RDS to customer bills during non-summer months (October through May) between October 2022 and March 2024, beginning on October 1, 2022 or as soon thereafter as may be possible based on the Commission's decisions to be issued in this proceeding. The RDS would then be removed no later than April 1, 2024, with all amounts collected subject to true-up. This is consistent with the RDS approach adopted in the Company's 2020 combined Phase I and II Gas rate case (Proceeding No. 20AL-0049G).

10. In summary, Public Service is requesting approval of an April 1, 2022 rate effective date and an RDS construct that entitles the Company to defer and ultimately collect, without a return, incremental approved revenues earned from April 1, 2022 until the rate implementation date from the statutory deadline established by the Amended Advice Letter Filing (no later than July 8, 2022). Additionally, due to the Company's need for timely rate relief, Public Service's proposal to make the Amended Advice Letter Filing is conditioned upon Commission approval of the rate effective date of April 1, 2022, including deferred collection of any incremental revenues accrued from April 1, 2022 until the rate implementation date, as well as its motion for Alternative Forms of Notice ("AFN") (as outlined below).

11. The Company believes that an early Commission decision (by July 21, 2021) on this Combined Rate Case Proposal is particularly important to provide Public Service and potential intervenors with sufficient notice of the scope of this proceeding and the opportunity to intervene.

12. Conversely, if the Commission prefers not to approve the Combined Rate Case Proposal, it is important for the Company to proceed with the Phase I proceeding as filed and obtain a timely resolution. In this circumstance, Public Service maintains its request for an April 1, 2022 rate effective date for this proceeding, if suspended, which would also serve as the date updated rates are implemented on customer bills through a GRSA and GRSA-E.

**B. Request for AFN**

**1. AFN Request if Combined Rate Case Proposal is Approved**

13. The legal notice the Company proposes to provide at the outset of this 2021 Electric Rate Case is set forth in Attachment B to this Motion. This notice will notify customers and interested parties that the Company has filed a Phase I 2021 Electric Rate Case and that it will file additional Phase II information on September 30, 2021, if its proposals as outlined in this Motion are granted. The notice also introduces the Combined Rate Case Proposal and provides information regarding Phase II issues likely to arise, in order to inform potential intervenors and provide opportunity for their intervention in this proceeding. Further, this initial notice includes the total base rate revenue deficiency, the overall revenue change, and bill impacts compared to rates currently in effect.

14. In addition to posting the customer notice on its website<sup>6</sup> and keeping the filing open for public inspection as mandated by § 40-3-104 (1)(c)(I), C.R.S., Public Service is seeking Commission approval to use the following alternative forms of notice:

- a. Publishing a legal notice, in the form attached hereto as Attachment B, in *The Denver Post*, on a weekday for two consecutive weeks, consistent with § 40-3-104(1)(c)(I)(A), C.R.S.; and
- b. Posting a copy of the Advice Letter Filing on the Company's website.<sup>7</sup>

15. The Company is requesting Commission authorization to provide notice of proposed tariff changes through publication in the Legal Classified Section of *The Denver*

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<sup>6</sup> [https://www.xcelenergy.com/company/rates\\_and\\_regulations/filings](https://www.xcelenergy.com/company/rates_and_regulations/filings) at the "Recently Filed Notices" section.

<sup>7</sup> [https://www.xcelenergy.com/company/rates\\_and\\_regulations/filings](https://www.xcelenergy.com/company/rates_and_regulations/filings) at the "Recently Filed Notices" section.

*Post*, a newspaper of general circulation, consistent with § 40-3-104(1)(c)(I)(A), C.R.S. This notice procedure is less costly than the procedures prescribed by statute. Newspaper notice is a reasonable form of notice for this filing because it provides nearly all customers the opportunity to obtain notice of the filing within 20 days of the filing.

16. If the Commission approves the Company's Combined Rate Case Proposal, the Company requests approval to provide the following additional forms of notice upon making the Amended Advice Letter Filing:

- a. The Company proposes to supplement its initial notice after the Amended Advice Letter Filing, incorporating the Phase II elements of the case, including the Commission's Decisions in the 2020 Electric Phase II and any other request the Company may make in the Phase II portion of this 2021 Electric Rate Case. The Supplemental Notice will also provide additional details with specific customer bill impacts. The Company would file the Supplemental Notice concurrent with its September 30, 2021 Amended Advice Letter Filing.
- b. In addition to posting the Supplemental Notice on its website<sup>8</sup> and keeping the Amended Advice Letter Filing open for public inspection as mandated by § 40-3-104(1)(c)(I), C.R.S., the Company seeks Commission approval to use the following alternative forms of notice upon the Amended Advice Letter Filing, consistent with traditional rate case notice processes:

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<sup>8</sup> [https://www.xcelenergy.com/company/rates\\_and\\_regulations/filings](https://www.xcelenergy.com/company/rates_and_regulations/filings) at the "Recently Filed Notices" section.

- i. Publishing the Supplemental Notice in *The Denver Post*, on a weekday for two consecutive weeks, consistent with § 40-3-104(1)(c)(I)(A), C.R.S.;
- ii. Posting a copy of the Amended Advice Letter Filing on the Company's website;<sup>9</sup>
- iii. Providing a customer bill onsert to Public Service's electric customers with all mailed and e-billed customer bills, which are expected to be mailed or e-billed, as applicable, during a regular billing cycle over the course of approximately five (5) weeks commencing approximately two weeks after the Amended Advice Letter Filing, consistent with consistent with § 40-3-104(1)(c)(I)(C), C.R.S; and
- iv. Providing an email to all electric customers for whom the Company has an email address and who have elected to receive email notifications from the Company, consistent with § 40-3-104(1)(c)(I)(D) and § 40-3-104(c)(VII). In addition to the newspaper form of notice previously discussed, supplementing the notice via email is also reasonable because this alternative form of notice is in addition to notice that will be provided via bill onserts, which is permitted by § 40-3-104(1)(c)(I)(C), C.R.S.

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<sup>9</sup> [https://www.xcelenergy.com/company/rates\\_and\\_regulations/filings](https://www.xcelenergy.com/company/rates_and_regulations/filings) at the "Recently Filed Notices" section.

**2. AFN Request for Standalone Phase I, if Combined Rate Case Proposal Not Approved**

17. If the Commission does not approve the Company's Combined Rate Case Proposal, the Company requests approval to, in addition to the notice outlined in Paragraph 14 above, provide the following forms of notice for this Phase I 2021 Electric Rate Case:

- a. Provide a customer bill onsert to Public Service's electric customers with all mailed and e-billed customer bills, which are expected to be mailed or e-billed, as applicable, during a regular billing cycle over the course of approximately five (5) weeks commencing approximately two weeks after the Commission issues a decision denying the Company's Combined Rate Case Proposal, consistent with § 40-3-104(1)(c)(I)(C), C.R.S; and
- b. Provide an email to all electric customers for whom the Company has an email address and who have elected to receive email notifications from the Company, consistent with § 40-3-104(1)(c)(I)(D) and § 40-3-104(c)(VII). In addition to the newspaper form of notice previously discussed, supplementing the notice via email is also reasonable because this alternative form of notice is in addition to notice that will be provided via bill onserts, which is permitted by § 40-3-104(1)(c)(I)(C), C.R.S.

**3. Additional Support for AFN Proposals**

18. The particular forms of notice for which the Company seeks approval have been designed to (a) provide a means for the vast majority of the Company's customers

to obtain notice of the filing within twenty (20) days of the filing; and (b) provide actual notice of the filing – including both the Phase I and Phase II portions of the case – to customers.

19. By this Motion, the Company seeks authority under § 40-3-104(1)(c)(I)(E), C.R.S., to provide alternative forms of notice regarding this 2021 Electric Rate Case to its electric customers and other stakeholders. There is good cause for the Commission to approve the alternative forms of notice requested by this Motion. The newspaper notices will provide the information required by § 40-3-104(1)(c), C.R.S. to affected customers, including the estimated impact of a Phase I GRSA and GRSA-E on average Residential and Commercial customers, within the first twenty (20) days following the filing. Additionally, the proposed supplemental noticing will provide direct notice to all retail electric customers by means of a bill onsert, and, if the Amended Advice Letter Filing is filed, incorporate Commission decisions in the pending 2020 Electric Phase II, support the move to a combined Phase I/Phase II filing construct, and provide more meaningful bill impact information to customers.

20. The Company believes that the alternative forms of notice listed above will provide the required information concerning the Advice Letter Filing to the general public and stakeholders, including the estimated impact on electric customers. The proposed alternative notice is sufficient to alert affected and interested parties of the changes that the Company is proposing in a timely fashion. As such, there is good cause for the alternative form of notice requested by this Motion.

### **C. Request for Waiver of Response Times**

21. As of this filing, and as noted in the Statement of Conferral earlier in this

Motion, there are no parties to this proceeding other than Public Service. Thus no conferral was required.

22. In addition, time is of the essence in considering and deciding this Motion. Public Service respectfully requests prompt attention to this Motion and an interim decision or decisions granting the Motion by July 21, 2021, so that the Company, the Commission, and any interested persons will know the potential scope of this 2021 Electric Rate Case. The requested July 21 interim decision process will also enable the Commission to consider the scope of the 2021 Electric Rate Case in deciding whether to hear the case *en banc*, and to provide important scoping information to an Administrative Law Judge (if referred).

23. Further, interested persons will need information from the Commission regarding the scope of this proceeding at the earliest possible time, so that they can determine whether to intervene in a timely fashion. Waiver of response time and a decision by July 21, 2021 promotes regulatory efficiency, ensuring parties who may only be interested in the Phase II portion of the proceeding will not unnecessarily expend resources to intervene if the Combined Rate Case Proposal is denied and avoid disputes about intervention based on potential uncertainty around the scope of the proceeding.

24. A decision on or before July 21, 2021 enables Public Service to plan for the filing of the Phase II portion of the proceeding by September 30. Alternately, a timely Commission decision will enable Public Service to promptly complete the additional forms of notice proposed herein if the Combined Rate Case Proposal is denied.

25. Finally, the waiver of response time will not prejudice any potential parties to the proceeding, as granting this Motion will only extend the total time any intervenor will

have to develop the case overall. Parties will have a full opportunity to litigate the revenue requirement and associated rates to be placed in effect during this proceeding, as well as the specific recovery period for the RDS. Therefore, Public Service asks that the Commission waive response time to this Motion, and address and grant this Motion promptly without a hearing.

**WHEREFORE**, pursuant to §§ 40-3-104(1)(c)(I)(E), 40-3-104(2), 40-6-111(1)(b), C.R.S. and Rules 1003, 1207(b), and 1400(a) and (b), Public Service respectfully requests that the Commission approve: (1) the Combined Rate Case Proposal with respect to the rate effective date of April 1, 2022 and RDS proposal (subject to future determination of time period for collection of RDS) by July 21, 2021; (2) the alternative forms of notice set forth in this Motion, with the forms to be approved dependent on whether the Commission approves the Combined Rate Case Proposal; (3) waiver of response time to this Motion; and (4) any other waivers or variances that may be necessary to grant the relief requested herein.

Dated this 2nd day of July 2021.

Respectfully Submitted,

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**ATTORNEYS FOR PUBLIC SERVICE  
COMPANY OF COLORADO**