

I. Statement of the Issues

1. Should the Commission Grant reconsideration as requested by the OAG?
2. Should the Commission make any other decision?

II. Background

On November 1, 2017, Xcel submitted a Residential Time of Use (TOU) Pilot Program for approval by the Commission.

At its May 31, 2018 agenda meeting the Commission decided the matter. Its Order was issued on August 7, 2018 approving the Pilot Program and setting Reporting Requirements. The Commission required Xcel to file reports after approximately 15 months (mid-point) and after approximately 27 months (final report) to address issues raised by the parties in their comments.¹

Among the information that the Commission required Xcel to include in its reports were the following metrics:²

- Participation metrics, including the number of customers who have opted out of the TOU rate;
- Customer bill impacts;
- Customer satisfaction indicators;
- Customer satisfaction engagement; and
- Track customers who self-identify as LIHEAP eligible separately from customers who are LIHEAP recipients, and preserve the data for analysis;

In its Order, the Commission noted that the OAG recommended approval of Xcel's Pilot TOU proposal but recommended "offering bill protections to low-income customers who are either receiving assistance from, or *are eligible for*, the Low Income Home Energy Assistance Program (LIHEAP)."³

The Commission Order stated further that "[t]he Pilot program is an opportunity for Xcel and its customers to learn about the advantages of the TOU Rider rate, as well as potential disadvantages. The data derived will be subsequently analyzed to determine whether additional changes are necessary before the rate becomes available to all residential customers."⁴

¹ TOU Order, p. 5 and Order Point 4, pp. 8-9.

² *Id.*

³ *Id.*, p. 4. (Emphasis added)

⁴ *Id.*, p. 5.

III. Reconsideration Petition and Answers

A. The OAG's Petition for Reconsideration

In its Petition, the OAG stated it did not seek reconsideration of the Commission's decision to approve Xcel's TOU design pilot, or of the core principles of the TOU rate itself. Rather, the OAG requested the Commission to reconsider its decision on low-income bill protections so that all low-income customers receive the same bill protections during this pilot, not just those who are LIHEAP recipients. According to the OAG, extending the improved bill protections to all low-income customers would reduce the risks of the TOU rate pilot, potentially improve the data that is collected about low-income customer impacts, and would not have any significant downsides.

The OAG explained that the goals of the TOU rate pilot include getting more information about the impact of the rate on low-income customers, mitigate the risks of the pilot for low-income customers, and developing solutions if there are unreasonable impacts for low-income customers. While the OAG agreed that the improved bill protections granted to LIHEAP recipients make steps towards accomplishing these goals, it noted that LIHEAP recipients are only for a small subset of low-income customers. The OAG asserted that the TOU rate pilot may not be able to accomplish these important goals if the vast majority of low-income customers do not receive these protections. Therefore, the OAG Petitioned the Commission to reconsider its decision, and extend the improved bill protections to all low-income customers, instead of restricting them to LIHEAP recipients.

B. SRA and Xcel's Answer to the OAG's Petition for Reconsideration

The Suburban Rate Authority ("SRA") supported the OAG's Petition and reiterated many of the same arguments made by the OAG. Xcel requested that the Commission deny the OAG's Petition because the OAG did not raise any new facts or issues, and also did not cite any errors or ambiguities in the Commission's Order. According to Xcel, the OAG's Petition for Reconsideration included much of the same discussion of bill protections for low income customers as was included in initial Comments and was already considered by the Commission.

IV. Decision Options

1. Grant the Reconsideration requested by the OAG
2. Deny reconsideration