



INFORMATION ITEM MEMORANDUM

To: Mayor and Members of Council

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Date: August 1, 2024

Subject: Information Item: Update on City participation at the Public Utilities Commission

EXECUTIVE SUMMARY

The City of Boulder participates in multiple venues seeking to transform state policy in support of local action. This includes the General Assembly, the Public Utilities Commission (“PUC”), the Air Quality Control Commission and others. The [2024 City of Boulder Policy Statement on Regional, State and Federal Issues](#) serves as the guidepost to develop city policy positions. A [final report on 2023 Colorado legislation that the city engaged on](#) is also available for review. The Climate Action Plan strategies include an active policy agenda as part of the city’s broader legislative and regulatory efforts. The Department of Climate Initiatives also works closely with other communities and entities such as the Colorado Communities for Climate Action¹ on many legislative and regulatory efforts to build broad policy coalitions.

Staff provide regular updates to council on PUC activities. The previous council information packet for the April 18, 2024, meeting described city action at the PUC in the first quarter of 2024.² This memo updates and builds on that information packet and describes additional activity during the second quarter of 2024.

This memo also provides additional details on ongoing and upcoming high visibility proceedings that are likely to draw community interest:

¹ [CC4CA Policy Statement](#)

² April 18, 2024 Memo to City Council: [Update on city participation at the Public Utilities Commission](#).

- Wildfire Mitigation Plan
- 2024-2028 Clean Heat Plan
- 2024-2026 Demand-Side Management Plan
- Just Transition Plan
- Proposed Rules Regulated Electric and Gas Utilities
- 2024-2026 Transportation Electrification Plan
- 2024-2026 Quality of Service Plan
- Senate Bill 21-272 Pre-Rulemaking
- Natural Gas Rate Case
- Gas Infrastructure Plan

Highlights of the successful outcomes from staff’s advocacy include:

- In the Clean Heat Plan, Commissioners approved more than \$400 million for investment in building efficiency and electrification.
 - Commissioners rejected Xcel’s proposal to spend much of its clean heat plan investments on fossil gas (“certified natural gas”), hydrogen, recovered methane advanced mobile leak detection and a voluntary carbon offsets program.
- In the Transportation Electrification Plan, Commissioners approved more than \$250 million for investment in transportation electrification.
 - Commissioners ordered Xcel to provide publicly-available, day-ahead emissions forecasting to enable customers to align electricity use with low emissions times of day.
- In the Quality of Service Plan, a comprehensive settlement was reached that will provide greater transparency into issues of reliability concern and that will increase compensation for customers experiencing poor reliability.
- In the 2024-2026 Demand-Side Management Plan, a comprehensive settlement was reached to accelerate energy efficiency and beneficial electrification, including increased investments in low-income programs.
 - A one-year deadline extension was approved for those who lost their homes in the Marshall Fire that are rebuilding to a higher efficiency standard.

BACKGROUND

The city participates in PUC proceedings focused on electricity and natural gas production and consumption, including rate design, resource planning and voluntary customer products. The city advocates for products, programs and services that advance city organization and community priorities of affordability, safety, resilience, equity, transparency and emissions reduction.

In most PUC proceedings, the city’s participation is led by the Department of Climate Initiatives with support from other city departments with subject matter expertise on a specific topic (e.g., Transportation Engineering for streetlights or Community Vitality for economic development). Participation at the PUC may take the form of formal intervention as a party (represented by the City Attorney’s Office), submission of written or oral comments (without formal intervention) and participation in stakeholder workshops. The city contributes data and analysis based on the

city's operational experience, Climate Action Plan³ and the Policy Statement on Regional, State and Federal Issues.⁴ Climate Initiatives staff members routinely engage community members, organizations and working groups to inform the city's participation in a specific proceeding.

Boulder has long recognized the importance of the PUC's role in driving broader systems changes in Colorado's electricity and natural gas sector. The actions taken by the PUC have far reaching implications in the ability of local communities to reach their own energy, climate and equity goals. Since 2016, the city has participated in 46 proceedings at the PUC as well as numerous stakeholder workshops to inform the development of future products and services. The city's PUC intervention enables Boulder to take direct action to support fair and equitable rates, accelerate emissions reduction through resource planning, and inform new voluntary renewable electricity and demand-side management programs.

RECENT ACTION

Since the last council update, the city has participated in the following proceedings at the PUC. These proceedings will have significant impact on the city organization and community priorities, and the city is taking an active advocacy role. A summary of the various proceedings is listed in Table 1. Below are brief summaries of the major actions:

- **Wildfire Mitigation Plan:** Xcel Energy submitted its second Wildfire Mitigation Plan on June 27, 2024. Due to the recency of the filing, the full plan is still under review by staff. The proposed budget is \$1.9 billion with a cumulative rate impact for the average residential customer of 9.56% in 2028 (i.e., each year 2025-2027 will have rate increases that add up to 9.56% in 2028). The application includes proposed investments in undergrounding, vegetation management, back-up power for residential customers with medical needs and specific criteria for public safety power shut-offs including detailed plans for community engagement and communications. The city will intervene, and Climate Initiatives will coordinate the city's participation across several departments including Emergency Operations and Public Utilities. It is likely that Colorado Communities for Climate Action will also play a role in the proceeding. The plan focuses on system resilience investments, improving situational awareness of high-risk fire scenarios, improving operations and maintenance to mitigate fire risk, additional dedicated customer service support and communications. Xcel also proposes specific criteria for implementing public safety power shutoffs and additional programs intended to mitigate the risk of wildfire caused by electric transportation and distribution infrastructure. This proceeding is a significant priority for the community and Climate Initiatives will implement a comprehensive community engagement plan to discuss the implications of the plan and to understand community priorities related to topics such as microgrids and public safety power shutoffs.

³ [June 8, 2021 Memo to City Council Study Session on Update to Climate Action Plan](#)

⁴ [City of Boulder 2024 Policy Statement on Regional, State and Federal Issues](#)

- 2024-2028 Clean Heat Plan:** On August 1, 2023, Xcel Energy submitted its first Clean Heat Plan in compliance with Senate Bill 21-264. The plan outlines the path by which Xcel will reduce emissions from their natural gas business. On June 15, the PUC issued its final decision, approving a budget of up to \$440 million to support building electrification, conservation and efficiency measures, with enhanced incentives for income-qualified customers and residents and businesses in disproportionately impacted communities. Cindy Copeland, Boulder County’s Air and Climate Policy Advisor, was brought on board as part of the city’s expert witness team to address issues related to oil and gas operations and any emission reduction that may or may not be attributable to certified natural gas product. Through testimony and witness cross examination at hearing, city staff successfully argued against Xcel’s proposals for hydrogen blending, a voluntary carbon offset project and investments in gas extraction and transmission, all issues of concern raised by community members during staff engagement and through their public comments during the proceeding. Staff also worked through a coalition in advancing accelerated investment in energy efficiency and beneficial electrification and ensuring that this programming was available to Xcel’s gas only customers.⁵
- 2024-2026 Demand-Side Management Plan:** The Demand-Side Management Plan and Beneficial Electrification Plan proposes conservation, efficiency and beneficial electrification products and services intended to reduce electric and natural gas consumption and peak demand as well as prioritizes a shift from gas consumption to electricity to improve building performance and to reduce greenhouse gas emissions. During the first day of the evidentiary hearing on May 11, 2024, the parties agreed to return to settlement negotiations. Boulder subsequently joined an unopposed comprehensive settlement agreement that will invest up to \$93 million per year in electric energy efficiency programs, \$22 million per year in gas energy efficiency programs, \$26 million per year in beneficial electrification programs and \$24 million per year in demand management programs. These amounts are in addition to the budget approved in the Clean Heat Plan, meaning there will be significant incentives available for electrification, conservation and efficiency available soon.
- Just Transition Solicitation:** Xcel Energy is required to submit Just Transition Plans that assess the transition impacts on communities affected by the accelerated retirement of a coal plant. This includes Hayden, Pawnee (near Brush) and Comanche 3, the third and final coal plant to be retired in Pueblo. With respect to Pueblo, Xcel Energy was required to submit a Just Transition Solicitation plan no later than June 1, 2024 that would address the just transition for Comanche 3 and solicit generation and storage resources to replace the retiring coal plant. As discussed at the February 1, 2024 council meeting, Xcel intended to submit a proposal related to Boulder’s Zero Emissions Communities program that would enable interested customers and communities to make additional investments in zero emissions generation to help bridge the emissions gap between Xcel’s 2030

⁵ Customers who receive gas service from Xcel Energy, but have a different electricity provider, such as a municipal utility or utility cooperative. Xcel had proposed to limit beneficial electrification program to just those who receive both electric and gas service from Xcel.

emissions and zero emissions. In May, Xcel notified the city and subsequently the Public Utilities Commission that the Just Transition Solicitation filing would be delayed until August 1, 2024. Council was notified of this change via Hotline email on June 12, 2024. On July 12, Xcel petitioned the Public Utilities Commission to delay the application again until October 15, 2024. The delay is requested as a result of challenges with constructing and interconnecting new generation selected in the 2021 Electric Resource Plan that then introduce additional complexity in finalizing modeling and other details in the Just Transition Solicitation application.

- **Proposed Rules Regulated Electric and Gas Utilities:** This rulemaking will implement rules required by Senate Bill 23-291 related to new or changed tariffs, rate trend reports, costs prohibited from rates and recovery of rate case expenses. The city filed comments related to cost recovery in rate cases, recommending limits on which litigation expenses can be charged to ratepayers and which should be paid by shareholders. The city also made recommendations regarding the recovery through rates of costs for outside legal counsel, consultants supporting requests to increase shareholder return on equity and confidential material.
- **2024-2026 Transportation Electrification Plan:** On May 15, 2023 Xcel Energy proposed its 2024-2026 Transportation Electrification Plan (“TEP”). This TEP builds on the 2021-2023 plan, offering on-bill financing for home charging stations, public fast charging, enhanced rebates for vehicle purchase and charging stations for income-qualified customers, and investment in innovative technologies. The city joined a non-unanimous, comprehensive settlement agreement that resolves issues related to residential and business charging, public fast charging, income-qualified rebates, fleet rebates and innovative programs. The other settling parties are Xcel Energy, the Colorado Energy Office, the City and County of Denver, Western Resource Advocates, Sierra Club, the Environmental Justice Coalition, Tesla, Southwest Energy Efficiency Project, Energy Outreach Colorado, the Regional Transportation District, Walmart, EVgo Services and EV.ENERGY Corporation. A separate coalition referred to as the “Affordability Coalition” filed a stipulation supporting a TEP portfolio that would fund residential and commercial charging, an innovation portfolio and advisory services but without a public fast charge network or vehicle purchase rebates at a budget approximately 25 percent of the size of the settlement agreement. On April 10, 2024, the Commission issued its final decision, approving a budget of \$264 million for EV charging infrastructure, upfront purchase rebates for income-qualified customers and innovative pilot projects. Notably, Boulder was successful in advocating for the publication of day-ahead emissions and renewable energy data to enable customers to align EV charging with low emissions and high renewables times of day. This is a topic that has been advocated for many years by the Boulder community, including through the Boulder-Xcel community advisory panel.
- **2024-2026 Quality of Service Plan:** The Quality of Service Plan (“QSP”) reports on customer service and distribution system reliability metrics and sets penalties for failure to perform. On March 13, Boulder joined a settlement agreement with Xcel Energy, PUC Staff, the City of Denver and Colorado Energy Consumers that supports improved reliability reporting requirements and penalties for missing reliability goals. The

settlement was opposed by the Utility Consumer Advocate who sought increased penalty amounts. On June 11, 2024, an Administrative Law Judge issued a recommended decision largely approving the settlement agreement with limited modifications, including an increase to bill credits for customers when Xcel fails to meet reliability standards. City staff were successful in arguing for increased and more robust reporting on reliability.

- **Senate Bill 21-272 Pre-Rulemaking:** This proceeding is in response to Senate Bill 21-272 that requires the Public Utilities Commission to promulgate rules requiring that the Commission “in all of its work including its review of all filings and its determination of all adjudications, consider how best to provide equity, minimize impacts and prioritize benefits to disproportionately impacted communities and address historical inequities.” The pre-rulemaking is intended to collect stakeholder feedback on a broad array of topics that will inform a formal rulemaking proceeding in late 2024 and 2025. On June 29, 2024, Commission Staff issued its final report with recommendations to update rules related to equity at the PUC.
- **Natural Gas Rate Case:** Previous council updates on PUC efforts discussed a potential future gas rate case. The gas rate case was filed January 29, 2024. The proposal would raise base rates by \$170 million and increase the authorized return on equity from 9.2% to 10.25%. The bill impact of the proposed rate increases is 9.52% for residential customers, 8.46% for small commercial customers and 9.76% for large commercial customers. Boulder is not an intervenor in this proceeding but will work with other communities and stakeholders to provide comment at the appropriate time. Answer Testimony is due July 11, 2024, a hearing is scheduled for September 4-17 and a decision is expected by November 5, 2024.
- **Gas Infrastructure Plan:** This miscellaneous proceeding will facilitate stakeholder discussions concerning gas utility system forecasting, mapping practices and benefit-cost analysis to support the consideration of alternatives to gas infrastructure projects.

COMMUNITY ENGAGEMENT

Boulder’s engagement at the Public Utilities Commission relies on the city’s Policy Statement on Regional, State and Federal Issues. In addition, Staff seeks feedback through routine engagement with the community. This engagement takes the form of office hours, meetings with community groups and subject matter experts and the city’s community connector program.

SUMMARY

Staff recognizes the importance of keeping City Council and the community informed on the various PUC-related activities. Climate Initiatives will continue to provide regular updates to council on the city’s involvement in PUC activities. The update will describe current and anticipated proceedings and the relevance to the interests of the city organization and the Boulder community. The table below includes proceedings in which the city is currently participating as well as anticipated proceedings for 2024. The column “City Status” includes links to the city’s testimony and statements of position in each proceeding.

Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals ⁶
Wildfire Mitigation Plan	24A-0296E	<ul style="list-style-type: none"> The application was filed June 27. The intervention deadline and procedural schedule have not been set. The city will participate as an intervenor. Climate Initiatives will coordinate cross-departmental participation and will implement a comprehensive community engagement plan to provide detailed information about the proposed plan. 	The wildfire mitigation plan describes the equipment inspection, targeted underground, vegetation management, public safety power shut-off, residential resilience and other initiatives, including community engagement, that Xcel Energy undertakes in the wildland urban interface intended to mitigate risks of wildfire.	Resilience, equity, affordability, safety

⁶ The keywords used in the column “Relevance to Boulder Goals” are intended to identify the major topics addressed in the proceeding that are included in Boulder’s Climate Action Plan or other city priorities. For example, “emissions reduction” means that the decision in the case may affect Boulder’s emissions reduction work, “local generation” means that the decision will affect rooftop solar, and “streetlights” means the decision may affect the rates Boulder pays for the operation of streetlights.

Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals ⁶
Transportation Electrification Plan	23A-0242E	<p>The Transportation Electrification Plan was filed on May 15. Boulder filed answer testimony on September 29, cross-answer testimony on November 17 and settlement testimony on December 20.</p> <p>Boulder advocated for a substantial investment in home charging for residents of multi-family buildings, vehicle purchase rebates for income-qualified customers and fleets, investment in a public fast charging network and an optional charging program that focused on emissions reduction.</p> <p>A hearing was held January 16-24. A decision was issued in May 2024.</p> <ul style="list-style-type: none"> • Answer Testimony • Cross-Answer Testimony • Settlement Testimony • Statement of Position • Petition for RRR 	The Transportation Electrification Plan proposes options to address three primary gaps in the EV market: lack of information and awareness regarding EVs, upfront costs associated with purchasing EVs and charging infrastructure and suboptimal incentives for EV charging when it is most beneficial to the grid.	Mobility electrification, emissions reduction, equity

Clean Heat Plan	23A-0392EG	<p>The city is admitted as an intervenor.</p> <p>On September 6, the city joined a motion for partial summary judgment that seeks to prohibit the inclusion of carbon offsets and certified natural gas as permissible resources for emissions reduction.</p> <p>The city filed answer testimony on January 22, cross-answer testimony on February 26, participated in the hearing March 11-18 and a statement of position on April 8.</p> <p>The Commission decision was issued on June 15.</p> <ul style="list-style-type: none"> • Motion for Partial Summary Judgement • Answer Testimony of Carolyn Elam • Answer Testimony of Matthew Lehrman • Answer Testimony of Cindy Copeland • Cross-Answer Testimony of Carolyn Elam • Cross-Answer Testimony of Cindy Copeland • Statement of Position 	The Clean Heat Plan proposes emissions reduction programs for the Xcel Energy natural gas system, including conservation, efficiency, beneficial electrification and potentially other measures.	Emissions reduction, resilience, affordability
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Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals ⁶
Quality of Service Plan	23A-0356E	<p>The city is admitted as an intervenor. The city filed answer testimony on January 12. Recommendations focused on infrastructure reliability issues, improved reporting and increased data granularity. The city joined a settlement agreement on March 13 that, if approved, will result in improved reliability reporting requirements and penalties for failure to meet targets.</p> <ul style="list-style-type: none"> • Answer Testimony • Settlement Agreement 	<p>The Quality of Service Plan reports on customer service and distribution system reliability metrics and sets penalties for failure to perform.</p> <p>This plan proposes to more narrowly focus reliability reporting to census block groups from more broadly defined regional service divisions.</p>	Reliability, resilience
2024-2026 Demand-Side Management Plan	TBD	<p>The application was filed December 1. Boulder filed answer testimony on March 22 and cross-answer testimony on April 19. A settlement was reached on May 30.</p> <ul style="list-style-type: none"> • Answer Testimony • Settlement Agreement 	The 2024-2026 Demand-Side Management Plan proposes conservation, efficiency and beneficial electrification programs for residential and commercial customers.	Conservation, efficiency, equity, affordability, emissions reduction

Implementation of Senate Bill 272 (Equity and Disproportionately Impacted Communities)	22M-0171ALL	<p>Boulder submitted initial comments focused on equity priorities, additional comments on the EnviroScreen tool and has participated in several workshops. Boulder submitted additional comments related to customer programs and community engagement.</p> <p>Commission staff issued a final report on July 22, 2024. The report made four recommendations for an upcoming rulemaking, including designating certain proceedings as having significant potential equity impact, requiring electric and gas utilities to develop energy equity plans, implementing practice and procedure changes to improve access to PUC proceedings and to adopt key definitions in rule.</p> <ul style="list-style-type: none"> • Boulder Initial Comments • Boulder Workshop Comments • Boulder Initial Comments on Retail Energy Programs • Responsive Comments on Retail Energy Programs and Community Engagement 	This proceeding is in response to Senate Bill 21-272 that requires the Public Utilities Commission to promulgate rules requiring that the Commission “in all of its work, including its review of all filings and its determination of all adjudications, consider how best to provide equity, minimize impacts and prioritize benefits to disproportionately impacted communities and address historical inequities.”	Affordability, equity, customer programs
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Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals ⁶
Natural Gas Rate Case	24AL-0049G	<p>Boulder is not an intervenor but will work with other communities and stakeholders to provide comment.</p> <p>Answer Testimony is due July 11, 2024, a hearing is scheduled for September 4-17 and a decision is expected by November 5, 2024.</p>	<p>Proposal to increase gas base rates by \$170 million and to increase the authorized return on equity from 9.2% to 10.25%. The bill impact of the proposed rate increases is 9.52% for residential customers, 8.46% for small commercial customers and 9.76% for large commercial customers.</p>	Safety, reliability, affordability, equity
Implementation of SB23-291	23R-0168EG	<p>The city provided comment in June regarding ratepayer cost recovery of prohibited expenses as well as the types of expenses that can be included in base rates.</p> <ul style="list-style-type: none"> • Comments of the City of Boulder 	<p>Senate Bill 23-291 tasked the Colorado Public Utilities Commission with examining the tariffs, policies, practices, and cost allocation principles of Colorado's two investor-owned electric utilities: Xcel Energy and Black Hills Energy.</p>	Affordability, equity

Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals ⁶
Gas Infrastructure Plan	24M-0261G	The city will monitor the proceeding and submit questions when appropriate.	This miscellaneous proceeding will facilitate stakeholder discussions concerning gas utility system forecasting, mapping practices and benefit-cost analysis to support the consideration of alternatives to gas infrastructure projects.	Natural gas, emissions reduction, resilience, affordability, equity

In addition to these active proceedings, there are several anticipated proceedings with significant impact to community priorities. The table below briefly summarizes these proceedings.

Proceeding	Description	Anticipated Timeline
Just Transition Solicitation	The Just Transition Solicitation application will assess the transition impacts on communities affected by the accelerated retirement of a coal plant. This includes Hayden, Pawnee (near Brush) and Comanche 3 in Pueblo. With respect to Pueblo, Xcel Energy will submit a plan no later than June 1, 2024 to address the just transition for Comanche 3 and solicit generation and storage resources to replace the retiring coal plant. The new resources do not need to be located in or near Pueblo. Consistent with other electric resource acquisition plans, staff anticipate seeking to intervene in this proceeding. It is possible that one element of this application will be Zero Emissions Communities.	<ul style="list-style-type: none"> October 15, 2024
Zero Emissions Communities	As part of the 2021 Electric Resource Plan, Boulder proposed a tool for communities with more aggressive greenhouse gas emissions reduction goals than Xcel Energy to purchase utility-scale renewable generation and storage to enable the communities to “close the emissions gap” between Xcel’s 2030 emissions and Boulder’s goal of zero emissions. Boulder and Xcel Energy provided an update to the Commission on their partnership work on this project on March 23 and are now evaluating potential resources to be acquired. As part of the Electric Resource Plan, the Commission requested an informational meeting to discuss customer and community interest in such a product. The Commissioner Information Meeting is anticipated to take place in summer 2024.	<ul style="list-style-type: none"> Potentially with the Just Transition Solicitation

Proceeding	Description	Anticipated Timeline
Distribution System Plan Phase 2	This proceeding will solicit proposals for pilot projects approved in the first phase of the first distribution system plan, which is distinct from the new plan that will be filed in Q4 2024.	<ul style="list-style-type: none"> Anticipated to be filed by July 17.
Distribution System Plan	The DSP is intended to identify and implement projects to improve the safety and reliability of the distribution system. The plan includes detailed forecasts of load growth and distributed energy resources (such as rooftop solar and electric vehicles) and proposes projects to improve system operations. The DSP includes pilots intended to reduce reliance on traditional grid investments as well as stakeholder and community engagement. The next DSP is anticipated in the fourth quarter of 2024. Boulder will intervene in this proceeding.	<ul style="list-style-type: none"> November 15, 2024
Renewable Energy Standard / Net Energy Metering Rulemaking	This rulemaking will focus on revising rules related to how utilities must comply with the renewable energy standard (30% renewable energy by 2020, 3% of retail sales from retail renewable distributed generation) and net energy metering (the financial compensation mechanism for customers with on-site solar). The city is participating in a stakeholder working group convened by the Colorado Energy Office (“CEO”) on a report that will inform statewide efforts to improve net energy metering. The report will be submitted to CEO by August 1, 2024.	<ul style="list-style-type: none"> Anticipated to be filed following the publication of a report evaluating net energy metering for all Colorado utilities and potential legislation.

Proceeding	Description	Anticipated Timeline
TOU Advice Letter	In the most recent phase II rate case (23AL-0243E), the Commission ordered a review of the time periods for residential time-of-use rates, with changes to be implemented prior to summer 2025. The Commission noted that the underlying cost drivers of generation costs are driven by factors other than a small number of peak hours, such as new investments in renewable generation and transmission. It is expected that the on-peak time-period will shift from 3-7 p.m. to 6-9 p.m. with the potential for shoulder-peak periods as well.	<ul style="list-style-type: none"> September 3, 2024
Tariff On-Bill Financing	In the settlement of the 2024-2026 Demand-Side Management Plan, Public Service committed to filing an application or advice letter for a tariffed on-bill financing product. The intent is to support adoption of beneficial electrification measures such as air-source heat pumps for space and water heating/cooling.	<ul style="list-style-type: none"> Q3-Q4 2024
Virtual Power Plan	Senate Bill 24-218 requires Public Service to file an application to implement a virtual power plant program, including a tariff for performance-based compensation.	<ul style="list-style-type: none"> February 1, 2025