
PUBLIC UTILITIES - COLORADO

Holcim U.S. Inc. v. Colorado Public Utilities Commission

Supreme Court of Colorado - January 13, 2025 - P.3d - 2025 WL 77772 - 2025 CO 1

Large retail electric customer sought judicial review of Public Utilities Commission's (PUC) approval of electric utility's method for recovering extraordinary natural gas costs incurred during severe winter storm through uniform volumetric charge on all customers over two years.

The District Court affirmed PUC's decision. Customer appealed.

The Supreme Court held that PUC adopted "just and reasonable rate" by approving utility's cost recovery method.

Public Utilities Commission (PUC) adopted "just and reasonable rate" by approving electric utility's method for recovering extraordinary natural gas costs incurred during severe winter storm through uniform volumetric charge on all customers over two years; method accurately reflected cost of service because utility had purchased natural gas based on total forecasted customer need, not based on actual individual consumption during winter storm, method would allow utility to recover costs it had incurred in anticipation of winter storm in exactly same way that it recovered its normal fuel costs, customers' ultimate billing would appropriately be based on their individual usage, and method would provide utility with reasonable rate of return.

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