

**PUBLIC NOTICE TO UNITED POWER MEMBERS OF CONSIDERATION AND A HEARING ON A DETERMINATION OF STANDARDS FOR DEMAND RESPONSE PRACTICES AND ELECTRIC VEHICLE CHARGING PROGRAMS PURSUANT TO THE FEDERAL INFRASTRUCTURE INVESTMENT AND JOBS ACT**

Dear Members of United Power:

The Federal government's recent Infrastructure Investment and Jobs Act ("IIJA") included, among its many provisions, certain new standards which electric cooperatives such as ours must consider regarding demand response practices and electric vehicle charging programs. The newly amended Federal statute, 16 U.S.C. §2621, requires any electric utility (including a cooperative) that – like United Power -- has total sales of electric energy exceeding 500 million kilowatt hours (500,000 MWh -- excluding wholesale sales) to "consider" any such standards, and to make a "determination" regarding those standards after notice of, and conducting a hearing. As such, this is to notify you that United Power will consider and make a determination concerning the standards, and will conduct a hearing as set forth below. You as a Member may participate in, request, and shall obtain the consideration and determination, if any, as required by law. You are also on notice that the statute holds that United Power may in fact determine – after a hearing – that "it is not appropriate to implement any such standard..." described in the law. 16 U.S.C. §2621(a). The relevant statutory sections are attached.

United Power must, pursuant to 16 U.S.C. §2622(b)(7)and (8), commence "consideration" of the new standards, or set a hearing date for consideration, by November 15, 2022, and must complete its "consideration" and make the required "determination" by November 15, 2023. The determination will be made after a hearing, which will occur before November 2023 under the schedule below:

**Procedures and Schedule for "Consideration," "Determination," and Hearing**

Pursuant to 16 U.S.C. §2621(b)(2), United Power is to establish the procedures for the consideration, determination, and the hearing. Below are the dates by which action is required along with a description of the action.

Initial Written Comments Due from United Power Staff and Member Participants: 01/31/23

We ask that the Staff of United Power and any Members who desire to submit comments for consideration and determination do so by this date. Written submissions may be made in the form of a letter addressed to: Mark A. Gabriel, President and CEO, United Power, Inc., 500 Cooperative Way, Brighton, Colorado 80603, with the subject line as "Written Comments of [Name of Submitter] Concerning Demand Response Practices and Electric Vehicle Charging Programs." The comments must be in double spaced format and limited to 25 pages exclusive of attachments.

The comments may be mailed to the address above or may be sent by email to: PSR@unitedpower.com. All Comments will be posted on United Power's website (www.unitedpower.com) within five business days of receipt.

Response to Initial Written Comments: April 28, 2023

After review of the Initial Written Comments described above, United Power Staff or Members may file comments in response to any and all Initial Written Comments by this date under the same procedure as above, except that the page limit shall be 15 pages double spaced, exclusive of attachments.

United Power will consider all written submissions made by these dates.

Hearing: October 25, 2023

United Power will hold a hearing on October 25, 2023 beginning at 9:00 a.m. and proceeding until 12:00 p.m., before a Hearing Panel of United Power Board of Directors with a Chairperson. The hearing may be shortened or extended at the discretion of the Chairperson. The hearing will be held live in the Community Room at United Power Headquarters (500 Cooperative Way, Brighton, CO 80603) and there will be Zoom link published on United Power's website for those who wish to participate remotely. The hearing will be audio and video recorded (and the recording will be posted on United Power's website), and will also be stenographically transcribed. The Chairperson will determine any and all hearing administrative issues and procedures, at her/his discretion, and such determination will be final. The order of proceedings at the hearing will be as follows, unless modified on the day of the hearing by the Chairperson of the Hearing Panel:

8:30 a.m.: Doors open, sign-in sheet available, and Zoom link opened.

9:00 a.m.: Introduction of the Hearing Panel, description of the hearing process.

9:15 a.m.: United Power Staff makes a presentation on the standards. Issues to be determined, and a summary of comments to date. The Staff may introduce additional evidence if it desires.

10:00 a.m.: Member Comments and questions. During this time Members may make additional oral comments and submit any additional evidence such Member asks United Power to consider. Members will be limited to five (5) minutes of comments, unless extended at the discretion of the Chairperson.


Noon: If all oral comments are complete, the hearing will be closed. If additional comments remain, comments may be submitted in writing

and collected in person or by email to [PSR@unitedpower.com](mailto:PSR@unitedpower.com). All comments must be complete by 5:00 p.m. unless determined otherwise by the Chairperson.

Once the hearing is closed on October 25, 2023, no more comments will, with the Hearing Panel described above, be accepted. United Power will then take all written and oral submissions and make the required determination pursuant to law. The determination will set forth in writing and stating the reasons therefor, based upon findings included in such determination and upon the evidence presented at the hearing. The final written determination will be published on United Power's website no later than November 15, 2023 so that it is publicly available to all Members. There will be no appeal process. United Power will also file a Notice of Determination with the Secretary of Energy on or before November 15, 2023.

DATED: October 23, 2022

UNITED POWER, INC.

By:   
Mark A. Gabriel, President and CEO