

Decision No. C23-0039

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21R-0449G

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES
REGULATING GAS UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-4,
RELATING TO GAS UTILITY PLANNING AND IMPLEMENTING SB 21-264
REGARDING CLEAN HEAT PLANS AND HB 21-1238 REGARDING DEMAND SIDE
MANAGEMENT.

**COMMISSION DECISION GRANTING APPLICATION
FOR REHEARING, REARGUMENT, OR
RECONSIDERATION FOR THE SOLE PURPOSE OF
TOLLING THE STATUTORY TIME LIMIT**

Mailed Date: January 17, 2023

Adopted Date: January 11, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of several applications seeking rehearing, reargument, or reconsideration (RRR) of Decision No. C22-0760. On December 21, 2022, the Commission received applications for rehearing, reargument, or reconsideration of Decision No. C22-760 filed by each (1) Natural Resources Defense Council, Western Resource Advocates, and Southwest Energy Efficiency Project, jointly the “Conservation Advocates;” (2) the Colorado Energy Office; (3) Colorado Natural Gas, Inc; (4) Atmos Energy Corporation; (5) Public Service Company of Colorado; and (6) Black Hills Colorado Gas, Inc. (together, the RRR Applications). By this Decision, we grant the RRR Applications for the sole purpose of tolling the 30-day statutory time limit in § 40-6-114(1), C.R.S., to act upon such applications. We will issue a future order ruling upon the merits of the RRR Applications.

B. Findings and Conclusions

2. On December 1, 2022, the Commission issued Decision No. C22-0760 in this Proceeding, adopting new and amended Commission Rules Regulating Gas Utilities found at 4 *Code of Colorado Regulations* (CCR) 723-4.

3. Consistent with the statutory time limit in § 40-6-114(1), C.R.S., and the procedures in Rule 4 CCR 723-1-1506 of the Commission's Rules of Practice and Procedure, any applications for RRR were originally due within 20 days after Decision No. C22-0760 became effective (in this case by December 21, 2022).

4. Pursuant to § 40-6-114(1), C.R.S., we are required to consider and act upon any application for RRR within 30 days of its filing (in this case by January 20, 2023) or the RRR will be denied by operation of law. We find that, due to the complexity of the issues presented in the RRR Applications, as well as the breadth of requests presented, the Commission requires further time to consider the RRR Applications. Therefore, to preclude a denial by operation of law, we grant the RRR for the sole purpose of tolling the statutory time limit.

5. This grant is procedural, and undertaken only to toll the statutory time limit in § 40-6-114(1), C.R.S. We will consider the merits of the RRR Applications at a future Commissioners' Weekly Meeting and by separate order, will rule upon the merits of the RRR Applications.

II. ORDER

A. It is Ordered That:

1. The application for rehearing, reargument, or reconsideration of Decision No. C22-0760 filed on December 21, 2022, by Black Hills Colorado Gas, Inc., is granted consistent with the discussion above.

2. The application for rehearing, reargument, or reconsideration of Decision No. C22-760 filed on December 21, 2022, by Natural Resources Defense Council, Western Resource Advocates, and Southwest Energy Efficiency Project, jointly the “Conservation Advocates,” is granted consistent with the discussion above.

3. The application for rehearing, reargument, or reconsideration of Decision No. C22-0760 filed on December 21, 2022, by the Colorado Energy Office, is granted consistent with the discussion above.

4. The application for rehearing, reargument, or reconsideration of Decision No. C22-0760 filed on December 21, 2022, by Colorado Natural Gas, Inc., is granted consistent with the discussion above.

5. The application for rehearing, reargument, or reconsideration of Decision No. C22-0760 filed on December 21, 2022, by the Atmos Energy Corporation, is granted consistent with the discussion above.

6. The application for rehearing, reargument, or reconsideration of Decision No. C22-0760 filed on December 21, 2022, by Public Service Company of Colorado, is granted consistent with the discussion above.

7. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 11, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams.,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners