

Decision No. R23-0145-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0426G

IN THE MATTER OF ADVICE LETTER NO. 126 FILED BY ROCKY MOUNTAIN
NATURAL GAS LLC DOING BUSINESS AS BLACK HILLS ENERGY TO REVISE ITS
COLORADO PUC NO. 4 TARIFF FOR AN INCREASE IN RATES AND TO IMPLEMENT
OTHER PROPOSED CHANGES, TO BECOME EFFECTIVE NOVEMBER 7, 2022.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN,
SETTING PUBLIC COMMENT HEARING**

Mailed Date: March 1, 2023

I. STATEMENT, SUMMARY, AND BACKGROUND

A. Summary

1. This Decision schedules a remote public comment hearing for Friday, March 24, 2023, from 11:30 a.m. to 1:30 p.m. and from 4:00 p.m. to 6:00 p.m.

B. Procedural Background

2. On October 7, 2022, Rocky Mountain Natural Gas LLC, doing business as Black Hills Energy (RMNG), commenced this Proceeding by filing Advice Letter No. 126 with the Public Utilities Commission (PUC or Commission) seeking approval of a rate increase of 39.1percent¹

¹, Advice Letter No. 126, issued by Rocky Mountain Natural Gas LLC, d/b/a Black Hills Energy, filed Oct. 7, 2022.

3. The procedural history of this Proceeding is set out in previously-issued Interim Decisions and is repeated here as necessary to put this Interim Decision in context.

4. The Colorado Office of the Utility Consumer Advocate (UCA) filed a Protest to RMNG's Advice Letter on October 17, 2022.²

5. By Decision No. C22-0684 mailed on November 3, 2022, the Commission suspended the proposed effective date of the tariff sheets filed with RMNG's Advice Letter No. 126 until March 7, 2023, set for hearing the tariffs submitted, and referred the matter to an Administrative Law Judge (ALJ) for disposition.

6. UCA and Commission Staff have filed Interventions as of Right. AM Gas Transfer Corporation's (AM Gas) Motion to Intervene in the Proceeding was granted by Decision No. R22-0821-I. No other interventions have been filed. RMNG, UCA, AM Gas, and Commission Staff are the parties to this Proceeding.

7. Decision No. R23-0036-I, issued January 13, 2023, further suspended the proposed effective date by an additional 130 days, or up to and including July 15, 2023. Decision No. R23-0036-I also established a procedural schedule to govern this Proceeding and scheduled the matter for an evidentiary hearing commencing April 11-13, 2023.

II. FINDINGS, CONCLUSIONS, AND ANALYSIS

8. RMNG's Advice Letter seeks approval of a proposed rate hike affecting its gas customers. RMNG provides natural gas for communities on the Western Slope of Colorado. Hearing Exhibit 102, which RMNG filed contemporaneously with its Advice Letter, is RMNG's system map, showing RMNG's service area stretches west from Eagle to De Beque and

² Utility Consumer Advocate's Protest, ¶ 6(a)-(s), filed Oct. 17, 2022.

Collbran; north towards Craig, almost to the Wyoming border; and south through Orchard City, Delta, Olathe, Montrose, Ridgway, and Ouray along one line, and to Telluride and Norwood along a southwesterly line. The proposed rate hike thus affects thousands of Coloradans.

9. The General Assembly has recognized that certain Colorado communities have historically been forced to bear a disproportionate burden of adverse human health and environmental effects. The General Assembly further declared that public comment hearings addressing matters pertinent to retail customer programs, at which members of disproportionately impacted communities may offer input, are one means of assuring that disproportionately impacted communities “will have at least proportionate access to the benefits of [retail customer] programs, incentives, and investments.”³ The Commission has followed this approach in its decisions, as well.⁴ Because a remote public hearing will further the General Assembly’s and the Commission’s interests in encouraging input from the public, and from disproportionately impacted communities in particular, the ALJ will schedule a public comment hearing approximately two weeks before the scheduled evidentiary hearing, (as set forth below).

A. Necessity of a Public Comment Hearing

10. Given the geographic nature of RMNG’s service territory, the ALJ is scheduling a remote public comment hearing to best accommodate interested persons appearing from different

³ § 40-2-108(3)(c), C.R.S.

⁴ See *e.g.*, Decision Nos. R22-0696-I (mailed November 8, 2002) in Proceeding No. 22A-0189E; C22-0700-I (mailed November 8, 2022) in Proceeding No. 22A-0309E; and C22-0699-I (mailed November 8, 2022) and C22-0699-I-E (mailed November 15, 2022) in Proceeding No. 22A-0315EG.

locations throughout RMNG's service territory in the State. Two public comment hearing sessions will be held, with the first to include the lunch hour, and the second to run past ordinary business hours (as necessary to accommodate all those who appear). Two sessions provide flexibility for interested persons to appear during their lunch break or after regular business hours, should it be otherwise difficult for them to appear during regular Commission business hours (8:00 a.m. to 5:00 p.m.). This approach also encompasses hearing time during regular business hours, which also accommodates those for whom appearing during business hours is preferred.

11. As noted below, a remote public comment hearing is scheduled for Friday, March 24, 2023, with the first session scheduled from 11:30 a.m. to 1:30 p.m., and the second session from 4:00 p.m. to 6:00 p.m. Both sessions will continue until concluded, meaning, that the sessions will continue until all public comments are received, but will end no later than the designated end-time (1:30 p.m. and 6:00 p.m.). The hearing sessions will not be held open for public comments after all those who have appeared have provided public comment and therefore may conclude before the scheduled end times (1:30 p.m. and 6:00 p.m.). For example, if all those who appear at the 11:30 a.m. session have provided public comment by 1:00 p.m. or earlier, that hearing session will be adjourned. This also means that anyone who chooses to join the public comment hearing sessions after the designated start times assumes the risk that the hearing will be concluded before they join. However, regardless of how early registered participants conclude their comments, the first session will continue at least into the lunch hour and the second session will continue at least past 5:00 p.m.

12. The public comment hearing will be held using the web-hosted video-conferencing service, Zoom. This means that members of the public who wish to

participate in the public comment hearing should not appear in person at the Commission's offices but should instead appear remotely via Zoom.

B. Observing the Public Comment Hearing

13. Consistent with Commission practice, the public comment hearing will be webcast on the Commission's website. Persons wishing to observe, but not provide comments in the hearing may do so by observing the webcast of the hearing and need not register through Zoom. To observe the hearing by webcast, enter this link in the web browser <https://puc.colorado.gov/webcasts> and select the audio or video option for the assigned hearing room. The assigned hearing room will be identified on the Commission's public calendar for the date and time of the hearing, at the following link: <https://puc.colorado.gov/puccalendar>.

C. Participating in the Public Comment Hearing

14. Those interested in providing public comment during the hearing must register in advance using a link posted on the calendar of events on the PUC's website at <https://puc.colorado.gov/puccalendar>. Registrants will receive an email with a link to provide comment during the Zoom session. If an interested person cannot obtain the link and register, they can contact the PUC for assistance at (303) 894-2000.

15. Those registered to provide comment during the hearing are strongly encouraged to prepare in advance and familiarize themselves with how to use the Zoom meeting platform. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by video-conference using a computer. This is intended to ensure that the remote hearing proceeds efficiently. Hence, it is important that registered video-conference participants carefully review and follow all requirements in this Decision and Attachment A.

16. For those who wish to provide oral comments during the hearing, video-conference participation is preferred and encouraged because it allows for the hearing to be held in a manner most similar to in-person hearings. Nevertheless, interested persons have the option to participate by telephone.

17. The Commission strives to accommodate all members of the public at its hearings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Registrants requesting an interpreter during the public comment hearing should complete the [Language Access Form](#) at <https://puc.colorado.gov/how-to-participate> at least one week prior to the event. Requests for accommodation can also be made directly by contacting Holly Bise at (303) 894-2024 or holly.bise@state.co.us.

D. Other Methods to Submit Public Comment

18. Interested persons wishing to provide public comment need not participate in the public comment hearing to do so. In addition to accepting comments during the public comment hearing, the Commission makes available other means by which interested persons may provide written or oral comments. The Commission prefers written comments over oral comments but gives written and oral comments the same weight.

19. Interested persons are encouraged to submit written comments through either: (a) the Commission's Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this Proceeding; or (b) the Commission's website at <https://puc.colorado.gov/> by clicking on the "FILE A COMMENT OR COMPLAINT" link. Anyone using the latter option should ensure that their comments include this Proceeding number (Proceeding No. 22AL-0426G).

20. Oral comments will be accepted from any interested person who leaves a voice mail message at (303) 869-3490 or from registered commenters offering public comment during

the scheduled public comment hearing. Those leaving voice mail public comments must include their name, the spelling of their name, and this Proceeding number (Proceeding No. 22AL-0426G) in their message. Voice mail messages will be transcribed and placed in the record of this Proceeding.

21. The Commission will equally consider public comments, regardless of the format in which they are submitted (verbal or in writing).

III. ORDER

A. It Is Ordered That:

1. A fully remote public comment hearing on the above-captioned proceeding is scheduled as follows:

DATE: March 24, 2023

TIMES: 11:30 a.m. to 1:30 p.m. or until concluded, and
4:00 p.m. to 6:00 p.m. or until concluded.

PLACE: By video conference or telephone using the Zoom web conferencing platform at a link emailed to all those who register to participate in the public comment hearing.

2. All those who wish to provide comments in the public comment hearing must register for the hearing in order to receive the Zoom information to join the public comment hearing. Interested persons must register to participate in the public comment hearing by clicking on a link available on the Commission's calendar of events on its website for the date and time(s) of the hearing at <https://puc.colorado.gov/puccalendar>, and following the requirements in Attachment A hereto, which is incorporated as if fully set forth herein.

3. Those wishing to observe but not provide comment in the above public comment hearing may do so by observing the Commission's webcast for the assigned hearing room at:

<https://puc.colorado.gov/webcasts>.

4. Members of the public who wish to provide written or oral comments outside of the public comment hearing may do so by following the instructions set out in section II.D. of this Decision.

5. The Administrative Law Judge may schedule additional hearings if necessary.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director