

Decision No. R23-0273-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0010EG

IN THE MATTER OF THE FILING OF 2022 ANNUAL REPORTS IN ACCORDANCE WITH RULES 4 CCR 723-3-3006 AND 4 CCR 723-4-4006 BY UTILITIES HOLDING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE ENERGY SERVICES IN THE STATE OF COLORADO.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
GRANTING COLORADO NATURAL GAS, INC.'S
MOTION FOR WAIVER AND VARIANCE,
AND WAIVING RESPONSE TIME**

Mailed Date: April 28, 2023

I. STATEMENT

1. On January 3, 2023, the Colorado Public Utilities Commission (Commission) opened the above-captioned proceeding as a repository proceeding for the filing of the 2022 annual reports by utilities holding a certificate of public convenience and necessity to provide energy services in the State of Colorado.

2. On January 25, 2023, the Commission referred this proceeding to an Administrative Law Judge (ALJ) by minute entry, for the disposition of all pleadings and motions filed in this proceeding.

3. On February 13, 2023, the Commission noticed the above-captioned proceeding and sent a letter over Interim Director G. Harris Adam's signature regarding the filing of 2022 annual reports.

4. On April 14, 2023, Colorado Natural Gas, Inc. (CNG) filed its Motion for Waiver and Variance of Rule 4006(a) and for Waiver of Response Time. The variance CNG is seeking is additional time (30 days) for the submission of their annual report because it will not receive from its auditors a preliminary audit report until late April 2023.

5. Pursuant to Rule 4006 of the Commission's Rules Regulating Gas Utilities, 4 *Code of Colorado Regulations* 723-4, a natural gas utility shall submit its annual report on or before April 30 of each year.

6. In accordance with Rule 4006(a), an extension of time to file the annual report does not affect the requirement that utilities file the report of gross regulated intrastate operating revenues required by the Colorado Department of Revenue (Form DR 0525). The time for filing the required Form DR 0525 cannot be extended.

7. The Motion filed by CNG states good cause for an extension of time. Granting the Motion will not prejudice any party. The ALJ will grant CNG's Motion. The date by which CNG must file its 2022 annual report with the Commission will be extended to and including May 30, 2023.

8. Given the nature of the Motion, no party will be prejudiced if response time is waived.

II. ORDER

A. It Is Ordered That:

1. The Motion for Waiver and Variance of Rule 4006(a) and for Waiver of Response Time (Motion) filed by Colorado Natural Gas, Inc. (CNG) on April 14, 2023, is granted.

2. The extension of time granted does not affect the deadline for filing a copy of the Form DR 0525 to be filed with the Colorado Department of Revenue.
3. Response time to the above-identified Motion is waived.
4. On or before May 30, 2023, CNG must file with the Commission, its 2022 annual report pursuant to Rule 4006 of the Commission's Rules Regulating Gas Utilities, 4 *Code of Colorado Regulations* 723-4.
5. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge