

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23AL-0325G

IN THE MATTER OF ADVICE NO. 1016 - GAS FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO PUC NO. 6 - GAS TARIFF TO PROPOSE MODIFICATIONS TO PORTIONS OF ITS GAS COST ADJUSTMENT TO MAKE IT ABUNDANTLY CLEAR THAT THE COMPANY MAY SEEK THE RECOVERY OF THE COMMODITY COSTS OF LIQUIFIED NATURAL GAS AND COMPRESSED NATURAL GAS THROUGH THE GAS COST ADJUSTMENT, TO BECOME EFFECTIVE JULY 17, 2023.

**INTERIM DECISION OF ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
SHORTENING TIME TO FILE OPPOSITION TO
MOTION(S) TO PERMISSIVELY INTERVENE,
SCHEDULING REMOTE PREHEARING CONFERENCE,
AND REQUIRING PARTIES TO CONFER AND PUBLIC
SERVICE TO FILE REPORT OF CONFERRAL BEFORE
THE REMOTE PREHEARING CONFERENCE**

Mailed Date: July 27, 2023

I. STATEMENT

A. Procedural Background

1. On June 16, 2023, Public Service Company of Colorado (Public Service) filed Advice Letter No. 1016 with a tariff sheet with proposed modifications to portions of its Gas Cost Adjustment (GCA) for effect July 17, 2023.

2. On June 27, 2023, the Office of the Utility Consumer Advocate (UCA) filed a protest to Advice Letter No. 1016 (Protest).

3. On July 11, 2023, Public Service filed a response to UCA's Protest.

4. On July 14, 2023, the Commission issued Decision No. C23-0459 that suspended the effective date of the tariff sheets filed with Advice Letter No. 1016 until November 14, 2023, or until further order of the Commission. The Commission also established an intervention period until August 11, 2023. Finally, the Commission referred the proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

B. Remote Prehearing Conference

5. It is appropriate to hold a remote prehearing conference in this proceeding. Accordingly, a remote prehearing conference shall be scheduled for August 24, 2023, at 10:30 a.m. The remote prehearing conference will be conducted over the Zoom videoconferencing platform. The ALJ or a member of Commission Staff will email the log-in information in advance of the hearing.

6. Public Service shall confer with the other parties in advance of the remote prehearing conference regarding a schedule for this proceeding, any discovery procedures that are inconsistent with the Commission's rules governing discovery, and the method by which the hearing should be conducted. The Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission's hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

7. Public Service shall file a report of the results of the conferral. If there is agreement on a schedule, including dates for the hearing, discovery procedures that are inconsistent with the Commission's rules governing discovery, and/or the method for conducting the hearing (*i.e.*, remote, hybrid, or in-person), the report shall state as much and detail the stipulated procedural schedule, discovery procedures, and/or method for conducting the hearing. If no agreement is achieved, the report shall state as much and identify the competing schedules, discovery procedures, and/or methods for conducting the hearing proposed by the parties. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

8. The parties are urged to review the Commission's public calendar to identify suitable days for the hearing in this proceeding and propose more than one date or consecutive dates for the hearing. The latest date on which the hearing can conclude is November 30, 2023, which assumes that the effective date of the tariff sheets filed with Advice Letter No. 1016 will be extended an additional 130 days pursuant to § 40-6-111(1), C.R.S. The deadline for Public Service to file the report is August 21, 2023.

9. All parties must appear at the remote prehearing conference. Failure to attend or to participate in the remote prehearing conference is a waiver of any objection to the rulings made, to the procedural schedule established, and to the hearing dates scheduled during the remote prehearing conference.

C. Responses to Motions to Permissively Intervene Filed After August 7, 2023

10. As noted above, the deadline for any person, firm, or corporation to file a motion to permissively intervene in this proceeding is August 11, 2023. Under Rule 1401(b) of the

Commission's Rules of Practice and Procedure,¹ the deadline to file a response in opposition to any motion to intervene filed on August 11, 2023 is August 25, 2023. Because the remote prehearing conference is scheduled for August 24, 2023, the deadline to file a response in opposition to motions to permissively intervene filed after August 7, 2023 will be shortened to August 21, 2023. Public Service and all individuals or entities who seek to permissively intervene must be prepared to present oral argument concerning any disputed motion to permissively intervene at the prehearing conference on August 24, 2023.

II. **ORDER**

A. **It Is Ordered That:**

1. A remote prehearing conference in this proceeding is scheduled as follows:

DATE: August 24, 2023

TIME: 10:30 a.m.

WEBCAST: Commission Hearing Room

METHOD: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge²

2. Nobody should appear in-person for the remote prehearing conference.
3. Public Service Company of Colorado shall file the report of the conferral identified above on or before August 21, 2023.
4. The deadline to file a response in opposition to any motion to permissively intervene filed after August 7, 2023, shall be shortened to August 21, 2023.

¹ 4 *Code of Colorado Regulations* 723-1.

² Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director