

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
VACATING REMOTE PREHEARING CONFERENCE,
EXTENDING STATUTORY DEADLINE, ESTABLISHING
PROCEDURAL SCHEDULE, ASSIGNING EXHIBIT
NUMBER BLOCKS, AND SCHEDULING REMOTE
HEARING**

Mailed Date: August 23, 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.

5. On July 27, 2023, the ALJ issued Decision No. R23-0495-I that scheduling remote prehearing conference for August 24, 2023, and required the parties to confer 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. Decision No. R23-0495-I also required Public Service to file a report of the conferral by July 21, 2023.

6. On July 27 and August 11, 2023, UCA and Trial Staff of the Commission filed their Notices of Intervention as of Right in this proceeding, respectively.

7. On August 18, 2023, Public Service filed the report required by Decision No. R23-0495-I.

B. Pre- and Post-Hearing Schedule

8. In the Conferral report, Public Service states that the parties agree to the following schedule:

<u>Event</u>	<u>Deadline</u>
Answer Testimony	October 3, 2023
Rebuttal Testimony and Cross-Answer Testimony	October 24, 2023
Corrections to Prefiled Testimony & Exhibits Prehearing Motions Stipulations/Settlement Agreements	October 31, 2023
Remote Evidentiary Hearing	November 14, 2023
Statements of Position	December 8, 2023

9. In addition, the parties agree that Commission Rule 1405 will govern discovery in this proceeding.

10. The ALJ finds and concludes that the foregoing is acceptable, except that the ALJ will add deadlines for filing responses to prehearing motions and a cross-examination matrix:

<u>Event</u>	<u>Deadline</u>
Answer Testimony	October 3, 2023
Rebuttal Testimony and Cross-Answer Testimony	October 24, 2023
Corrections to Pre-filed Testimony & Exhibits Prehearing Motions Stipulations/Settlement Agreements	October 31, 2023
Responses to Prehearing Motions	November 7, 2023
Cross-Examination Matrix	November 9, 2023
Remote Evidentiary Hearing	November 14, 2023
Statements of Position	December 8, 2023

C. Extension of Time for Commission Decision

11. As noted above, the Commission set the tariff pages for hearing, which suspended the effective date for 120 days from the proposed effective date (July 17, 2023) to November 14, 2023.

12. Section 40-6-111(1), C.R.S., provides that the Commission may, in its discretion, by a separate decision, suspend the effective date of the tariff page(s) for an additional 130 days. Thus, the Commission has the power and authority to suspend the effective date of the tariff pages for a maximum of 250 days.

13. Here, in light of the time available, the schedule proposed by the parties, the time necessary to address other pending matters, and the need for the Commission to have adequate time to deliberate the issues presented in this matter, it is not feasible for a final Commission decision to issue by November 14, 2023. Accordingly, it is necessary to extend the effective date of the tariff sheets filed with the Advice Letter for an additional 130 days pursuant to § 40-6-111(1), C.R.S. The new effective date of the Advice Letter and accompanying tariff sheets, after suspension, is March 23, 2024.

D. Hearing Exhibit Number Block Assignments

14. In order to efficiently organize the numbering and preparation of exhibits for the hearing, all parties must use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Public Service is assigned hearing exhibit numbers 100 to 299;
- Staff is assigned hearing exhibit numbers 300 to 399; and
- UCA is assigned hearing exhibit numbers 400 to 499.

E. Remote Hearing

15. The evidentiary hearing will be held remotely, which means that the participants will appear from remote locations. The participants may not appear at the hearing in-person. The remote evidentiary hearing will be held using the web-hosted service, Zoom. This Decision and Attachments A and B provide critical information and instructions to facilitate holding the hearing by video-conference, which all parties must follow.

16. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

17. Attachment A to this Decision provides the information addressing how to use the Zoom platform for participating in the remote hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate efficient and smooth electronic evidence presentations at the remote hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

F. Remote Prehearing Conference

18. In the Conferral Report, the parties requested that the remote prehearing conference be vacated if the foregoing proposed schedule is acceptable. Because the proposed schedule with the additions made by the ALJ is acceptable, the remote prehearing conference scheduled for August 24, 2023 is vacated.

II. ORDER

A. It Is Ordered That:

1. The effective date of the tariff sheets filed with Advice Letter No. 1016-Gas is suspended for an additional 130 days pursuant to § 40-6-111(1), C.R.S.

2. The schedule detailed in paragraph 10 above is adopted.

3. The remote prehearing conference scheduled for August 24, 2023 is vacated.

4. A remote hearing is scheduled as follows:

DATE: November 14, 2023

TIME: 9:00 a.m. to 5:00 p.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 Judge OR Commission Staff¹

5. Nobody should attend the hearing in person.

¹ 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>.

6. 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