

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.

**ERRATA NOTICE FOR
RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
PERMANENTLY SUSPENDING TARIFF SHEET,
REQUIRING FILING, AND CLOSING PROCEEDING**

Errata mailed January 31, 2024

Original Decision No. R24-0059 mailed January 25, 2024

1. Decision Paragraph 33, page 13, states:

Except as otherwise provided by statute, the Administrative Procedure Act imposes the burden of proof in administrative adjudicatory proceedings upon “the proponent of an order.”³⁸ As parties to the Settlement Agreement, Public Service and Staff bear the burden of proof.³⁹ Public Service and Staff must establish by a preponderance of the evidence that the Settlement Agreement is just and reasonable and in the public interest. The evidence must be “substantial evidence,” which is defined as “such relevant evidence as a reasonable person’s mind might accept as adequate to support a conclusion ... it must be enough to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury.”⁴⁰ A party has satisfied its burden under this standard when the evidence, on the whole, tips in favor of that party. The Commission has an independent duty to determine matters that are within the public interest.⁴¹

³⁸ § 24-4-105(7), C.R.S.

³⁹ Section 24-4-105(7), C.R.S.; § 13-25-127(1), C.R.S.; Rule 1500 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

⁴⁰ *City of Boulder v. PUC*, 996 P.2d 1270, 1278 (Colo. 2000) (quoting *CF&I Steel, L.P. v. PUC*, 949 P.2d 577, 585 (Colo. 1997)).

⁴¹ See *Caldwell v. Public Utilities Commission*, 692 P.2d 1085, 1089 (Colo. 1984).

That paragraph is incorrect. Decision Paragraph 33, page 13, shall be corrected to read:

Except as otherwise provided by statute, the Administrative Procedure Act imposes the burden of proof in administrative adjudicatory proceedings upon “the proponent of an order.”³⁸ As the party that seeks Commission approval or authorization, Public Service bears the burden of proof with respect to the relief sought; and the burden of proof is by a preponderance of the evidence.³⁹ The evidence must be “substantial evidence,” which is defined as “such relevant evidence as a reasonable person’s mind might accept as adequate to support a conclusion ... it must be enough to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury.”⁴⁰ A party has satisfied its burden under this standard when the evidence, on the whole, tips in favor of that party. The Commission has an independent duty to determine matters that are within the public interest.⁴¹

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⁴¹ See *Caldwell v. Public Utilities Commission*, 692 P.2d 1085, 1089 (Colo. 1984).

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

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

Rebecca E. White,
Director