

Decision No. R24-0248-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0418G

ARM, LLC, and HEARTLAND INDUSTRIES, LLC

COMPLAINANTS,

V.

COLORADO NATURAL GAS, INC. and WOLF CREEK ENERGY, LLC,

RESPONDENTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY DENYING WITHOUT PREJUDICE
MOTION FOR EXTENSION TO RESPONDE TO CERTAIN
REQUESTS IN SUBPOENA DUCES TECUM**

Mailed Date: April 18, 2024

I. STATEMENT

A. Background

1. In paragraph 53 of Decision No. R24-0209-I granting-in-part and denying-in-part a Motion to Quash filed by Summit Utilities, Inc., the Administrative Law Judge stated that “[t]he parties are on notice that the ALJ will deny any future motion that does not include the required Rule 1400(a) certification.” Rule 1400(a) states in relevant part: “Before filing a motion, moving counsel shall make a reasonable good faith effort to confer with all parties about the motion and

report when the requested relief is unopposed. If no conference has occurred, the reason why shall be stated.”¹

2. On April 17, 2024, Respondents Colorado Natural Gas, Inc. and Wolf Creek Energy, LLC (Respondents) filed a Motion for Extension of Time to Respond to Certain Requests in the Colorado Office of the Utility Consumer Advocate’s Subpoena Duces Tecum (Motion). In the Motion, Respondents do not state that they have conferred with the other parties to this proceeding, much less what their position is regarding the Motion, or otherwise identify the reasonable good faith effort to confer undertaken by Respondents and/or why no conference has taken place. The Motion also does not request that response time to the Motion be shortened or waived.

B. Analysis

3. There is good cause to deny the Motion. By failing to confer with the other parties in this proceeding prior to filing the Motion and then reporting in the Motion the position(s) of the other parties, or otherwise identify their good faith effort to confer and why no conference took place, Respondents have not complied with Rule 1400(a) or the directive in Decision No. R24-0209-I. Accordingly, the Motion shall be denied without prejudice.

II. ORDER

A. It Is Ordered That:

1. The Motion for Extension of Time to Respond to Certain Requests in the Colorado Office of the Utility Consumer Advocate’s Subpoena Duces Tecum filed by Respondents Colorado Natural Gas, Inc. and Wolf Creek Energy, LLC on April 17, 2024 is denied without prejudice.

¹ 4 Code of Colorado Regulations (CCR) 723-1.

2. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

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

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge