

Decision No. R24-0373-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0142G

TIGER NATURAL GAS, INC.,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO D/B/A XCEL ENERGY OF COLORADO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
GRANTING UNOPPOSED REQUEST FOR
LATE INTERVENTION, ACKNOWLEDGING
INTERVENTIONS AND GRANTING UNOPPOSED
MOTION FOR EXTENDING DUE DATE
FOR FILING DIRECT TESTIMONY**

Mailed Date: June 3, 2024

I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. Procedural Background

1. On March 26, 2024, Black Hills Colorado Gas, Inc. (Black Hills or Applicant), filed with the Colorado Public Utilities Commission (Commission), its Verified Application (Application) seeking a Commission order approving an extension to the Company's gas hedging program through June 30, 2026.

2. On March 29, 2024, the Commission issued a Notice of Application Filed (Notice). Among other things, the Notice advised Commission Staff (Staff) that it is to submit a notice of intervention within 37 days of the date of the Notice.

3. On April 26, 2024, the Utility Consumer Advocate's Intervention by Right, Request for Hearing, and Entry of Appearance was filed by the Utility Consumer Advocate.

4. On May 8, 2024, the Unopposed Motion for Late-Filed Intervention by Trial Staff of The Commission and Waiver of Response Time (Staff's Motion for Late Intervention) and the Notice of Intervention as of Right by Trial Staff of The Commission, Entry of Appearance, Notice Pursuant To Rule 1007(A) And Rule 1401, and Request for Hearing were filed by Staff.

5. On May 22, 2024, the Commission referred this matter to an Administrative Law Judge (ALJ) by minute entry. This Proceeding was subsequently assigned to the undersigned ALJ.

6. On May 24, 2024, Black Hills filed its Unopposed Motion to Extend Deadline to File Direct Testimony and Request for Waiver of Response Time (Black Hills' Motion to Extend Deadline to File Direct Testimony).

B. Staff's Motion for Late Intervention

7. In Staff's Motion for Late Intervention, Staff states that Staff's counsel inadvertently missed the deadline to intervene by two calendar days due, in part, to being out of the office for a medical procedure and had not yet assigned this matter to another attorney from Staff's counsel's office.¹ Staff further requests that, given that Staff's Motion for Late Intervention is unopposed, response to the same be waived pursuant to Rule 1308(c) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR), 723-1.²

8. Response time to the Motion for Late Intervention has passed.³ Therefore, the request to waive response time will be denied as moot, as ordered below.

¹ Staff's Motion for Late Intervention at 2.

² *Id.* at 3.

³ See Rule 1400(b), 4 CCR 723-1.

9. The ALJ finds and concludes that Staff stated good cause for its request for late intervention. Staff's Motion for Late Intervention is unopposed, and no party will be prejudiced as a result of the granting of Staff's request for late intervention. Therefore, Staff's request for late intervention will be granted, as ordered below.

C. Black Hills' Motion to Extend Deadline to File Direct Testimony

10. In Black Hills' Motion to Extend Deadline to File Direct Testimony, Black Hills states that it seeks a four-week extension, through June 25, 2024, to file its direct testimony "[i]n order to provide sufficient time to address the various issues raised in the interventions..."⁴ Black Hills further requests that, given that Black Hills' Motion to Extend Deadline to File Direct Testimony is unopposed, response time to the same be waived, pursuant to Rule 1308(c) of the Rules of Practice and Procedure, 4 CCR, 723-1.⁵

11. The ALJ finds and concludes that Black Hills stated good cause for its requested relief. Black Hills' Motion to Extend Deadline to File Direct Testimony is unopposed and no party will be prejudiced as a result of its granting. Therefore, Staff's Motion for Late intervention will be granted, as ordered below.

12. Given the extension of the deadline for the filing of the direct testimony, the ALJ finds and concludes that it is appropriate to extend the deadline for the answer testimony by an equal amount of time, through and including August 9, 2024.⁶

⁴ Black Hills' Motion to Extend Deadline to File Direct Testimony at 2.

⁵ *Id.* at 3.

⁶ See Notice at 1 (stating that an intervening party shall file its testimony within 45 days of the filing of Applicant's testimony).

II. ORDER

A. It Is Ordered That:

1. The intervention by the Utility Consumer Advocate, filed April 26, 2024 is acknowledged.

2. Unopposed Motion for Late-Filed Intervention by Trial Staff of The Commission and Waiver of Response Time (Staff's Motion for Late Intervention) is granted, in part, consistent with the discussion above, and Staff's intervention is acknowledged.

3. Staff's request for waiver of the response time to Staff's Motion for Late Intervention is denied as moot.

4. The Unopposed Motion to Extend Deadline to File Direct Testimony and Request for Waiver of Response Time (Black Hills' Motion to Extend Deadline to File Direct Testimony), filed by Black Hills Colorado Gas, Inc. (Black Hills or Applicant) on May 24, 2024, is granted, consistent with the discussion above.

5. Response time to Black Hills' Motion to Extend Deadline to File Direct Testimony is waived.

6. Black Hills shall file its direct testimony by June 25, 2024.

7. Consistent with the extension for the filing of the direct testimony ordered herein, the deadline for the filing of any answer testimony shall also be extended by 4 weeks through August 9, 2024.

8. 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

AVIV SEGEV

Administrative Law Judge