

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23AL-0635G

IN THE MATTER OF ADVICE LETTER NO. 133 FILED BY COLORADO NATURAL GAS, INC. TO ELIMINATE THE CONSTRUCTION ALLOWANCES, TO BECOME EFFECTIVE APRIL 29, 2024.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING UNOPPOSED MOTION TO MODIFY
PROCEDURAL SCHEDULE, ADOPTING MODIFIED
SCHEDULE, AND VACATING AND RESCHEDULING
REMOTE EVIDENTIARY HEARING**

Mailed Date: June 13, 2024

I. STATEMENT

A. Relevant Background

1. On December 29, 2023, Colorado Natural Gas, Inc. (CNG) filed Advice Letter No. 133 with modified tariff sheets to take effect April 29, 2024.

2. On January 26, 2024, the Commission issued Decision No. C24-0061 suspending the tariff sheets filed with CNG's Advice Letter No. 133 for 120 days, through August 29, 2024, set the matter for hearing, established an intervention period through February 23, 2024, waived the December 31, 2024 deadline in Commission Rule 4210(d)¹ pursuant to Commission Rule 1003(a),² and referred the proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

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

² 4 CCR 723-1.

3. On April 29, 2024, the ALJ issued Decision No. R24-0286-I that, among other things, established a schedule for the proceeding and extended 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., which resulted in a new effective date of the Advice Letter and accompanying tariff sheets, after suspension, of January 4, 2025.

4. Because the parties sent an email proposing to amend the schedule adopted in Decision No. R24-0286-I to substantially extend this proceeding, the ALJ scheduled a remote prehearing conference for May 2, 2024. In the email, counsel for CNG stated that if the proposed schedule is adopted CNG would “forgo offering any construction allowances from the time when a Commission decision would otherwise have to issue in this proceeding which [CNG] [] calculate[s] as January 4, 2025, to the date of the Commission decision in this proceeding.”

5. On May 2, 2024, the remote prehearing conference took place. The ALJ instructed CNG that in order to amend the schedule as proposed, CNG would need to file an amended advice letter and tariff sheets changing the effective date of the changes proposed therein to August 1, 2024. After application of the cumulative 250-day suspension in Decision No. C24-0061 issued on January 26, 2024 and Decision No. R24-0286-I, the amended tariff sheets would go into effect on April 8, 2025. Such an effective date would accommodate the amended schedule proposed by the parties.

6. On May 24, 2024, CNG filed the Amended Advice Letter and Tariff Sheets discussed at the May 2, 2024 remote prehearing conference and an Unopposed Motion to Modify Procedural Schedule (Unopposed Motion). The Amended Advice Letter and Tariff Sheets list April 8, 2024 as their effective date, which, after the 250-day suspension entered by the Commission, would result in a new effective date of December 14, 2025.

B. Unopposed Motion

7. In the Unopposed Motion, CNG proposes to amend the procedural schedules as follows:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
CNG's Direct Testimony and Opening Brief	May 20, 2024	July 22, 2024
Intervenors' Answer Testimony and Response Brief	July 10, 2024	October 4, 2024
Rebuttal/Cross-Answer Testimony and Reply Brief	August 5, 2024	November 8, 2024
Settlement Agreement(s)	August 12, 2024	November 18, 2024
Prehearing Motions	August 19, 2024	November 22, 2024
Responses to Prehearing Motions	August 23, 2024	(Not addressed in Unopposed Motion)
Cross-Examination Matrix Corrections to Testimony and Exhibits	August 23, 2024	November 22, 2024
Remote Evidentiary Hearing	August 27-29, 2024	December 3-5, 2024
Statements of Position	September 16, 2024	December 19, 2024

8. The ALJ finds that the proposed amended schedule is reasonable and acceptable with two minor modifications. Specifically, the deadlines for prehearing motions and responses thereto will be November 15, 2024 and November 22, 2024, respectively. The resulting schedule is:

<u>Event</u>	<u>New Deadline</u>
CNG's Direct Testimony and Opening Brief	July 22, 2024
Intervenors' Answer Testimony and Response Brief	October 4, 2024
Rebuttal/Cross-Answer Testimony and Reply Brief	November 8, 2024
Prehearing Motions	November 15, 2024
Settlement Agreement(s)	November 18, 2024
Responses to Prehearing Motions Cross-Examination Matrix Corrections to Testimony and Exhibits	November 22, 2024
Remote Evidentiary Hearing	December 3-5, 2024
Statements of Position	December 19, 2024

9. In so finding, the ALJ relies on the representation by CNG that it will forego offering construction allowances between the current suspended effective date of the Advice Letter and accompanying tariff sheets (January 4, 2025) and the date on which the tariff sheets go into effect under the proposed amended schedule following a final Commission decision in this proceeding.

II. ORDER

A. It is Ordered That:

1. The Unopposed Motion to Modify Procedural Schedule filed by Colorado Natural Gas, Inc. on May 24, 2024 is granted (with the modifications to the proposed schedule noted above) and in reliance on the representation made by CNG described in discussion paragraphs 4 and 9 above.

2. The amended schedule in discussion paragraph 8 above is adopted.

3. A remote evidentiary hearing scheduled for August 27-29, 2024 is vacated and rescheduled as follows:

DATE: December 3-5, 2024

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 Staff³

4. Nobody should attend the hearing in person.

³ 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)



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