

Decision No. R24-0567-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0570G

IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC. FOR APPROVAL OF ITS COST ASSIGNMENT AND ALLOCATION MANUAL AND FULLY DISTRIBUTED COST STUDY.

**INTERIM DECISION GRANTING UNOPPOSED MOTION
TO EXCUSE ARM/HEARTLAND FROM
EVIDENTIARY HEARING AND
WAIVING RESPONSE TIME**

Mailed Date: August 6, 2024

I. STATEMENT

A. Summary

1. This Decision grants the unopposed motion of Intervenor ARM, LLC and Heartland Industries, LLC (collectively “ARM/Heartland”), to be excused from the evidentiary hearing scheduled to commence in this Proceeding on Thursday, August 8, 2024. As ARM/Heartland’s motion is unopposed, this Decision also waives response time to the unopposed motion.

B. Procedural History and Background¹

2. Colorado Natural Gas, Inc. (“CNG”) initiated this matter on November 21, 2023, by filing its Verified Application with the Public Utilities Commission of the State of Colorado

¹ This Decision only addresses the facts relevant to the Unopposed Motion to be Excused from Evidentiary Hearing filed by ARM, LLC and Heartland Industries, LLC (collectively ARM/Heartland) on August 5, 2024.

(“PUC” or “the Commission”) seeking approval of its Cost Assignment and Allocation Manual (“CAAM”) and Fully Distributed Cost (“FDC”) Study.²

3. Contemporaneously with and attached to its Application, CNG submitted its 2023 CAAM and its FDC for the 12 months ending December 31, 2022.

4. On November 22, 2023, the Commission sent out a Notice of Application Filed (“Notice”) to interested persons.

5. After the Commission’s issuance of the Notice, the Office of the Utility Consumer Advocate (“UCA”) and Trial Staff of the Commission (“Staff”) filed their respective interventions as of right in this Proceeding. In addition, ARM/Heartland jointly moved to permissively intervene.

6. On January 10, 2024, the Commission deemed the Application complete and assigned the Proceeding by minute entry to an Administrative Law Judge (“ALJ”) for disposition. The Proceeding was subsequently assigned to the undersigned ALJ.

7. By Decision No. R24-0169-I, issued March 15, 2024, the undersigned ALJ granted ARM/Heartland’s Motion to Intervene and acknowledged Staff’s and UCA’s interventions of right. The parties to this Proceeding are thus CNG, Staff, UCA, and ARM/Heartland.

8. Subsequently, by Decision No. R24-0379-I, issued June 4, 2024, the undersigned ALJ scheduled a fully remote evidentiary hearing to be held August 8-9, 2024.

9. On August 5, 2024, ARM/Heartland filed their joint Unopposed Motion to be Excused from Evidentiary Hearing and Motion for Waiver of Response Time (“Unopposed Motion to be Excused”). ARM/Heartland advises that they have settled their dispute in a related proceeding involving CNG and “wish to be excused from participating in the hearing in this matter

² Verified Application of Colorado Natural Gas, Inc., filed Nov. 21, 2023, p. 1.

set for later this week, August 8 and 9.”³ They further state that they “are not necessary parties to the hearing, and they wish to avoid the expense of participating with counsel at hearing.”⁴

10. ARM/Heartland represent that both CNG and Staff support the Unopposed Motion to be Excused and that UCA does not oppose it.

11. Given that no party objects to ARM/Heartland’s absence from the hearing, and the reasonable and appropriate bases ARM/Heartland cites for not participating in the evidentiary hearing, the ALJ will excuse ARM/Heartland from the evidentiary hearing scheduled for August 8 and 9, 2024. The ALJ stresses, however, that ARM/Heartland’s absence from the evidentiary hearing waives their right to object to the offering and/or admission of any documentary or testimonial evidence presented at the evidentiary hearing.

12. The motion being unopposed, response time will be waived pursuant to Rule 1400(b) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to be Excused from Evidentiary Hearing and Motion for Waiver of Response Time (“Unopposed Motion to be Excused”) filed by Intervenor ARM, LLC and Heartland Industries, LLC (collectively “ARM/Heartland”) on August 5, 2024, is granted.

2. ARM/Heartland are excused from participating in the August 8 and 9, 2024, evidentiary hearing.

3. Response time to the Unopposed Motion to be Excused is waived.

³ Unopposed Motion to be Excused from Evidentiary Hearing and Motion for Waiver of Response Time, filed by ARM/Heartland Aug. 5, 2024, p. 2.

⁴ *Id.*

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director