

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0046G

IN THE MATTER OF ADVICE LETTER NO. 993 – GAS OF PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO PUC NO. 8 – GAS TARIFF TO INCREASE JURISDICTIONAL BASE RATE REVENUES, IMPLEMENT NEW BASE RATES FOR ALL GAS RATE SCHEDULES, AND MAKE OTHER PROPOSED TARIFF CHANGES TO BECOME EFFECTIVE FEBRUARY 24, 2022.

**INTERIM DECISION SHORTENING RESPONSE TIME
TO MOTIONS TO STRIKE**

Mailed Date: August 3, 2022

Adopted Date: August 3, 2022

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Colorado Public Utilities Commission (Commission) shortens response time to the Public Service Company Motion to Strike Testimony and Attachments (Company’s Motion to Strike) filed July 27, 2022, by Public Service Company of Colorado (Public Service or Company) and the Motion to Strike Portions of the Rebuttal Testimony of Stephen G. Martz (Staff’s Motion to Strike) filed July 27, 2022, by Trial Staff of the Colorado Public Utilities Commission (Staff). Responses to the Company’s Motion to Strike and Staff’s Motion to Strike shall be filed no later than 5:00 p.m., August 5, 2022.

B. Discussion

2. Public Service filed Advice Letter No. 993-Gas in which it seeks to amend its Colorado P.U.C. No. 6 – Gas tariff to initiate a comprehensive rate case for its gas utility operations. By Decision No. C22-0247, issued on April 20, 2022, we established a procedural

schedule for this Proceeding by approving the Joint Motion filed by the Company on its behalf and on behalf of all other parties to this proceeding.

3. On July 27, 2022, the Commission received two prehearing motions requesting that the Commission strike certain testimony and attachments. Staff's Motion to Strike requests that the Commission strike portions of Public Service Witness Stephen G. Martz's rebuttal testimony (Hearing Exhibit 134), arguing that certain portions present new evidence, including with regard to relocation projects pertaining to the Marshall Fire, that should have been presented in the Company's direct testimony.

4. For its part, the Company's Motion to Strike seeks to exclude specific portions of testimony provided by the following: (1) Staff witness Mr. David Pitts; (2) Colorado Office of the Utility Consumer Advocate witnesses Mr. Cory Skluzak and Mr. Joseph M. Pereira; (3) Conservation Advocates witnesses Mr. Dylan Sullivan and Ms. Meera Fickling; and (4) Atmos Energy Corporation witness Mr. Paul H. Raab. The Company argues that portions of the testimony and specific related attachments indicated in the Company's Motion to Strike regarding these witnesses should be stricken on evidentiary grounds, including hearsay, relevance, or "friendly cross" grounds.

5. The Company further seeks to exclude the Supplemental Answer Testimony of Tiger Natural Gas, Inc. (Tiger) witness, Mr. Kenneth Thompson (Supplemental Answer Testimony). The Company notes that Tiger filed the Supplemental Answer Testimony on July 13, 2022, concurrent with the deadline for filing rebuttal and cross-answer testimony and nearly a month after the deadline for Answer Testimony set forth in Decision No. C22-0247. The Company argues that the Supplemental Answer Testimony should be stricken in its entirety because it is contrary to the permitted process and procedural schedule, adding new arguments with neither a

notification to the Commission nor a showing of good cause for the supplemental filing. The Company claims that including the Supplemental Answer Testimony is unfair to Public Service and, regardless of whether the Commission strikes the entirety of the Supplemental Answer Testimony, asks that the Commission strike Mr. Thompson's Attachment KTB-4, which is a Tiger discovery response as both improper supplemental testimony and untimely.

6. A hearing in this matter is currently scheduled by Decision No. C22-0247 for August 17 through 31, 2022. We find that timely addressing the Company's Motion to Strike and Staff's Motion to Strike such that the Commission and parties can best prepare for the hearing, knowing the anticipated testimony and attachments included in the record. We therefore shorten response time to the separate motions seeking to strike certain testimony through 5:00 p.m., August 5, 2022.

II. ORDER

A. It Is Ordered That:

1. Responses to the Motion to Strike Testimony and Attachments filed July 27, 2022, by Public Service Company of Colorado are due no later than 5:00 p.m., August 5, 2022.

2. Responses to the Motion to Strike Portions of the Rebuttal Testimony of Stephen G. Martz filed July 27, 2022, by Trial Staff of the Colorado Public Utilities Commission are due no later than 5:00 p.m., August 5, 2022.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 3, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners