

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0379G

IN THE MATTER OF THE APPLICATION OF BLACK HILLS COLORADO GAS, INC. FOR AUTHORIZATION TO IMPLEMENT A SYSTEM SAFETY AND INTEGRITY RIDER AS PART OF ITS GAS TARIFF AND TO UNDERTAKE ITS PROPOSED AT-RISK METER RELOCATION AND CUSTOMER-OWNED YARD LINE REPLACEMENT PROGRAM.

INTERIM COMMISSION DECISION GRANTING JOINT MOTION, APPROVING PROCEDURAL SCHEDULE, VACATING SCHEDULING CONFERENCE, APPROVING DISCOVERY AND CONFIDENTIALITY PROCEDURES, REFERRING DISCOVERY DISPUTES TO AN ADMINISTRATIVE LAW JUDGE, AND EXTENDING THE 120-DAY STATUTORY DEADLINE

Mailed Date: January 13, 2021

Adopted Date: January 13, 2021

I. BY THE COMMISSION

A. Statement

1. On January 11, 2021 Black Hills Colorado Gas, Inc. (Black Hills or the Company), Staff of the Commission (Staff), the Office of Consumer Counsel (OCC), and Bachelor Gulch Village Association (BGVA) (collectively, the “Joint Movants”), filed a Joint Motion to Vacate Scheduling Conference and Approve Proposed Procedural Schedule, Discovery Procedures, and Confidentiality Procedures, and to Waive Response Time (Joint Motion).

2. As discussed in detail below, we grant the Joint Motion, approve the procedural schedule, vacate scheduling conference set for January 19, 2021, approve the discovery and confidentiality procedures, refer discovery disputes to a Commission Administrative Law Judge (ALJ), and extend the 120-day statutory deadline to 250 days

B. Joint Filing

3. As required by Decision No. C21-0002-I, Black Hills conferred with all parties in the case, including: Staff, OCC, and BGVA, and these Joint Movants filed the Joint Motion.

4. The Joint Movants propose the following schedule:

<i>Task</i>	<i>Due Date</i>
Answer Testimony	February 25, 2021
Rebuttal/Cross Answer Testimony	March 19, 2021
Public Comment Hearing	April 1, 2021
Prehearing and Dispositive Motions	April 2, 2021
Corrected Testimony and Attachments	April 2, 2021
Stipulations and Settlement	April 5, 2021
Matrix of Witnesses and Cross-Examination Times	April 5, 2021
Evidentiary hearing	April 12-14, 2021
Statements of Position	April 30, 2021

5. Regarding discovery, the Joint Motion states that discovery will be controlled by Rule 1405, 4 *Code of Colorado Regulations* (CCR) 723-1. Work papers will be provided on the next business day after the filing of Answer, Cross-Answer, and Rebuttal testimony and attachments.

6. Discovery requests that do not include confidential information may be served electronically by e-mail. Discovery responses that do not include confidential information may be served electronically by e-mail and/or on other electronic media. Confidential discovery responses are to be served pursuant to the Commission’s confidentiality rules.

7. Discovery responses, excepting attachments, shall be served in a single document (e.g., .doc, .docx, or .pdf) unless otherwise agreed to by the requesting and responding parties.

Discovery responses shall be served on all parties, subject to any applicable confidentiality provisions.

8. The cut-off date for serving all discovery requests related to Direct Testimony shall be no later than the due date for filing Answer Testimony. The cut-off date for serving all discovery requests relating to Answer Testimony shall be no later than the due date for filing Rebuttal and Cross-Answer Testimony. The cut-off date for serving all discovery requests related to Rebuttal and Cross-Answer Testimony shall be no later than eight calendar days before the first day of hearing.

9. Discovery requests can be served by email up to 5:00 p.m. Mountain Standard Time (MST) Monday through Thursday and up to 3:00 p.m. MST on Fridays. If discovery requests are served at or after 5:00 p.m. MST on Monday through Thursday or at or after 3:00 p.m. MST on Fridays by any party, the next business day is the first day of counting the due date for responses. Parties will serve discovery requests and responses to all other parties.

10. Response time to discovery requests shall be ten calendar days for all discovery related to Direct Testimony, ten calendar days for all discovery requests related to Answer Testimony, and seven calendar days for all discovery or audit requests related to Cross-Answer and Rebuttal Testimony.

11. In the event of a discovery dispute, the parties shall first attempt to resolve their dispute. If unsuccessful, the party seeking discovery may move to compel in writing, attaching a copy of the discovery request at issue. A response to the motion to compel shall be filed within five calendar days. Any motion or response shall be served electronically by email. A hearing on the motion shall be coordinated by telephone and heard by telephone as soon as practical.

12. The Commission's Confidentiality Rules apply. *See* Rules 1100 – 1102, 4 CCR 723-1. Access to highly confidential information and documents will be governed by any Highly Confidential Protective Orders entered by the Commission in this proceeding.

C. Discussion and Conclusion

13. We find that the Joint Movants' proposed schedule and provisions governing discovery and confidentiality are reasonable. Moreover, because all the parties to this proceeding filed the Joint Motion together we perceive no harm in waiving response time to it. We, therefore, grant the relief requested in the Joint Motion, which includes:

- Waiving response time to the Joint Motion;
- Vacating the prehearing conference scheduled for January 19, 2021;
- Adopting the proposed procedural schedule; and
- Adopting the proposed discovery and confidentiality procedures proposed in the Joint Motion.

14. In addition to granting the procedures proposed in the Joint Motion, we also refer any discovery disputes to an ALJ, and, pursuant to § 40-6-109.5, C.R.S., extend the current 120-day statutory deadline for a Commission decision by an additional 130 days to the full 250 days allowed by statute to accommodate the proposed schedule.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion to Vacate Scheduling Conference and Approve Proposed Procedural Schedule, Discovery Procedures, and Confidentiality Procedures, and to Waive Response Time (Joint Motion) filed on January 11, 2021 by Black Hills Colorado Gas, Inc. (Black Hills or the Company), Staff of the Commission (Staff), the Office of Consumer Counsel (OCC), and Bachelor Gulch Village Association (BGVA) is granted, consistent with the above discussion.

2. The procedural schedule proposed in the Joint Motion, as listed above, is approved.

3. The discovery and confidentiality procedures proposed in the Joint Motion are approved.

4. Any discovery disputes filed with the Commission in this proceeding are referred to an Administrative Law Judge for the Commission.

5. Pursuant to § 40-6-109.5 C.R.S., the 120-day statutory deadline for a Commission decision is extended by an additional 130 days to the full 250 days allowed by statute to accommodate the proposed schedule.

6. A Public Comment Hearing in this proceeding is set as for:

DATE: April 1, 2021

TIME: Beginning at 4:00 p.m. and extending until 6:00 p.m. as necessary.

WEBCASTS: Commission Hearing Room A

METHOD: By video conference using GoToMeetings. A link to the hearing will be posted on the Commission's public calendar.

7. An Evidentiary Hearing in this proceeding is set as for:

DATE: April 12-14, 2021

TIME: 9:00 a.m.

WEBCASTS: Commission Hearing Room A

METHOD: By video conference using GoToMeetings at link that will be provided to Parties by e-mail.

8. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 13, 2021.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners