

Decision No. R21-0144-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 20A-0284G

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IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC. FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A SYSTEM SAFETY AND INTEGRITY RIDER.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MELODY MIRBABA  
SCHEDULING EVIDENTIARY HEARING AND  
ESTABLISHING PROCEDURAL SCHEDULE**

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Mailed Date: March 12, 2021

**I. STATEMENT, BACKGROUND, FINDINGS, AND CONCLUSIONS**

1. Only the procedural history necessary to understand this Decision is included. Colorado Natural Gas Inc. (CNG) initiated this matter by filing the above-captioned Application on June 26, 2020. The Colorado Public Utilities Commission Trial Staff (Staff) and the Office of Consumer Counsel (OCC) are the only interveners in this matter.

2. The Commission referred this matter to an Administrative Law Judge (ALJ) on August 19, 2020. Since then, the ALJ scheduled an evidentiary hearing, established a procedural schedule, and vacated both multiple times, per the parties' request. Decision Nos. R20-0633-I issued August 31, 2020; R20-0681-I issued September 22, 2020; R20-0766-I issued October 30, 2020; and R20-0902-I issued December 18, 2020. Most recently, the ALJ held a hearing on March 8, 2021 to take public comment on CNG's Application. *See* Decision No. R21-0024-I issued

January 13, 2021. That same day, CNG filed “Colorado Natural Gas Inc.’s Submission of Consensus Procedural Schedule” (Proposed Schedule).

3. The Proposed Schedule states that the parties have conferred and reached an agreement on a procedural schedule to move this proceeding forward. Procedural Schedule at 1. Specifically, the parties propose the following schedule:

Answer Testimony	Due by April 9, 2021
Rebuttal and Cross Answer Testimony	Due by May 5, 2021
Corrections, Prehearing Motions, Settlement Agreements	Due by May 12, 2021
Evidentiary Hearing	To be held on May 24, 2021
Statements of Position	Due by June 11, 2021

*Id.* at 2. The Proposed Schedule also states that any party responding to discovery will share such discovery responses with all parties. *Id.* at 3.

4. As an initial matter, because the Proposed Schedule is unopposed, the ALJ finds good cause to waive the response time to it and does so. *See* Rule 1400(b), of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

5. The ALJ finds that the proposed schedule appropriately moves this proceeding toward a resolution without undue delay. Except as discussed, the ALJ approves the Proposed Schedule, including the parties’ agreement relating to discovery.

6. Due to a conflict, the ALJ is unable to schedule the hearing for May 24, 2021 as proposed. Instead, the hearing will be held on May 27, 2021. Because the hearing will be held later

than the parties proposed, the ALJ is making minor adjustments to certain proposed deadlines to account for this. The ALJ also includes additional deadlines that the parties did not address.

7. For the same reasons discussed in Decision No. R20-0633-I, the evidentiary hearing will be held remotely, by video-conference. The hearing will be held using Zoom.<sup>1</sup> This Decision and Attachments A and B hereto includes requirements to facilitate holding the hearing remotely using electronic exhibits. These requirements are intended to ensure that the remote evidentiary hearing proceeds efficiently without technical problems. Attachment A includes important requirements and technical information on participating in the evidentiary hearing through Zoom<sup>2</sup>, and Attachment B includes requirements relating to formatting, identifying, and filing exhibits.

8. It is vitally important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.<sup>3</sup>

## II. ORDER

### A. It Is Ordered That:

1. A remote evidentiary hearing on the above-captioned Application is scheduled as follows:

DATES: May 27, 2021  
TIME: 9:00 a.m.  
WEBCAST: Hearing Room A

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<sup>1</sup> 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>.

<sup>2</sup> Attachment A is materially different and contains wholly separate information from prior similar attachments to other decisions. *See e.g.*, Attachment A to Decision No. R20-0633-I. The parties must take special care to review Attachment A and follow its requirements.

<sup>3</sup> CNG has struggled to follow requirements for exhibits outlined in Attachment B. *See e.g.*, Decision No. R20-0824-I issued December 1, 2020. With the exception of a deadline change, the requirements in Attachment B hereto are substantively identical to requirements that have been in place since the first evidentiary hearing was scheduled. *See* Attachment B to Decision No. R20-0633-I. The ALJ again urges CNG and all parties to ensure their filings comply with the requirements in Attachment B to this Decision.

PLACE: Join by video-conference online at the Zoom meeting link to be sent to the parties before the hearing.

2. The parties are responsible for sharing the Zoom meeting link, access, and ID code to witnesses and others participating in the hearing. Participants in the hearing may not distribute the Zoom link, access, or ID code to anyone not participating in the hearing. Unless otherwise ordered, the parties and witnesses may not appear in person at the Commission for the above-scheduled hearing. Instead, parties and witnesses will participate in the hearing from remote locations, consistent with the requirements of this Decision.

3. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision as if fully set forth.

4. **Video-Conference Participation.** The parties and witnesses are required to participate in the evidentiary hearing by video-conference using Zoom. The parties must ensure that they and their witnesses are ready and able to participate in the evidentiary hearing by video-conference, including presenting evidence electronically during the hearing using Zoom.

5. **Written Testimony Deadlines.** Answer testimony and attachments thereto must file and served by April 9, 2021. Rebuttal and cross-answer testimony must be filed and served by May 5, 2021.

6. **Non-Testimony Exhibit Deadline.** Exhibits which are not written testimony or attachments thereto must be filed and served by May 17, 2021. The parties are not required to pre-file and serve hearing exhibits which will be used solely for impeachment, to refresh recollection, or for rebuttal. Any party may use any other party's hearing exhibits during the course of the hearing and should not file them separately.

7. **Corrections, Modifications, and Amendments to Exhibits.**

a. The parties may make corrections to exhibits, including written testimony and attachments, without filing a motion seeking leave to do so. Corrections include minor changes, such as fixing typographical errors. Corrections do not include material or substantive changes. Material or substantive changes to a hearing exhibit or attachment amount to amending or modifying such documents. Any party wishing to amend or modify an exhibit or attachment thereto must file a motion establishing good cause; such a motion must be filed as soon as the party becomes aware of the need to amend or modify the filing. The parties must confer with each other prior to filing such a motion. Unreasonable delay in filing such a motion is grounds to deny the motion.

b. On or by May 17, 2021, the parties must file and serve any corrected, modified, or amended written testimony and attachments. Such filings must comply with the specific requirements in Attachment B.

**8. Deadline for Final Hearing Exhibits, Hearing Exhibit Lists, and Witness Lists.**

The parties must file and serve final versions of hearing exhibits, hearing exhibit lists, and witness lists by May 17, 2021. Exhibits which have already been filed consistent with the above deadlines do not need to be filed again, but must be included on hearing exhibit lists. Exhibit lists must identify the hearing exhibit number, attachment number, the title of each hearing exhibit, and a brief description of each hearing exhibit the party intends to offer into evidence during the evidentiary hearing. Witness lists must include a brief description of the witnesses' anticipated testimony and the witnesses' contact information.

**9. Stipulations, Settlement Agreements, and Prehearing Motions.** The parties must file and serve stipulations, settlement agreements, and prehearing motions on or by May 17, 2021.

10. **Joint Witness Testimony Matrix.** On or by May 21, 2021, the parties must submit a joint witness testimony matrix listing all the witnesses the parties anticipate will testify at the hearing, and the anticipated amount of time each party will use to examine the witnesses. To the extent practicable, the witnesses should be listed in the order in which they will be called.

11. **Statements of Position.** In lieu of a verbal closing argument, the parties may submit written statements of position. Any party wishing to do so must file a statement of position by June 14, 2021.

12. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director