

Decision No. C23-0028

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23AL-0029G

IN THE MATTER OF COMPLIANCE ADVICE LETTER NO. 126 FILED BY COLORADO NATURAL GAS, INC. TO MODIFY THE COMPANY'S GAS TARIFF P.U.C. NO. 2 TO IMPLEMENT THE EXTRAORDINARY GAS COST RECOVERY RIDER ("EGCRR") WITH DECISION NO. C23-0006 IN PROCEEDING NO. 21A-0188G IN ITS RATE AREAS OF BAILEY/SOUTH PARK AND PUEBLO WEST, TO BECOME EFFECTIVE JANUARY 11, 2023.

**COMMISSION DECISION SUSPENDING EFFECTIVE
DATE OF TARIFF SHEETS**

Mailed Date: January 10, 2023
Adopted Date: January 10, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On January 6, 2023, Colorado Natural Gas, Inc. (CNG or Company) filed Advice Letter No. 126 with tariff sheets for its Extraordinary Gas Cost Recovery Rider (EGCRR). CNG filed the advice letter to put into effect a modified EGCRR in accordance with Decision No. C23-0006, issued on January 5, 2023 in Proceeding No. 21A-0188G (Storm Uri Proceeding). The effective date of the modified EGCRR is January 11, 2023.¹

2. On January 9, 2023, the Colorado Office of the Utility Consumer Advocate (UCA) filed a protest to Advice Letter No. 126, asking the Commission to set the tariffs for hearing before

¹ On January 10, 2023, CNG filed an amended Advice Letter No. 126 to make non-substantive changes to the EGCRR tariff sheets.

an Administrative Law Judge, to suspend the tariff filing, and to consolidate this Proceeding with the Storm Uri Proceeding.

3. UCA states that it has several concerns about the Company's proposal to revise its EGCR and whether the proposed revisions and the tariff itself are in the public interest and will result in just and reasonable rates. UCA explains that it did not agree that the Commission should approve CNG's amended application filed in the Storm Uri Proceeding and discloses that it had issued discovery in that proceeding relating to the approximately \$1.2 million of operational flow order (OFO) penalties in anticipation of further litigation. UCA states that, at the time when CNG filed the motion to amend its application in the Storm Uri Proceeding on November 22, 2022, the parties "appeared to agree that the Storm Uri Proceeding should be reopened, re-noticed, referred to a new Administrative Law Judge, and that the parties would then proceed to litigate the new OFO issue."² In its protest, UCA further states that it does not understand the Commission to have granted the amended application by Decision No. C23-0006 and argues that the Storm Uri Proceeding should proceed under the ordinary course to determine the issues raised in the amended application.³

4. Pursuant to § 40-6-111(1), C.R.S., the Commission may suspend tariff sheets for 120 days. Based on UCA's protest, we find good cause to suspend the tariff sheets submitted with Advice Letter No. 126 for 120 days through May 11, 2023 and set the matter for hearing.

5. A hearing date and other procedures will be determined by separate decision(s).

² UCA Protest, p. 4.

³ On January 10, 2023, UCA filed an application for rehearing, reargument, or reconsideration of Decision No. C23-0006.

II. ORDER

A. The Commission Orders That:

1. The proposed January 11, 2023 effective date of the tariff sheets filed with Advice Letter No. 126 filed by Colorado Natural Gas, Inc. on January 6, 2023, is suspended until May 11, 2023, or until further order of the Commission.

2. A hearing date and other procedures will be determined by separate decision.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
January 10, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners