

Decision No. C23-0452-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0234G

IN THE MATTER OF THE GAS INFRASTRUCTURE PLAN OF PUBLIC SERVICE COMPANY OF COLORADO FILED PURSUANT TO 4 CODE OF COLORADO REGULATIONS 723-4-4552 OF THE COMMISSION'S RULES REGULATING GAS UTILITIES.

**INTERIM COMMISSION DECISION ESTABLISHING THE
PARTIES AND REQUIRING FILING OF PROPOSED
DISCOVERY PARAMETERS**

Mailed Date: July 10, 2023
Adopted Date: July 5, 2023

I. BY THE COMMISSION

A. Statement

1. On May 18, 2023, Public Service Company of Colorado (Public Service or Company) filed its Initial 2023-2028 Gas Infrastructure Plan (Initial GIP), consistent with provisions in the Commission's Rules Regulating Gas Utilities, 4 *Code of Colorado Regulations* (CCR) 723-4-4550 to 4555.

2. Rule 4552(b) required the Commission to establish an intervention period when opening this Proceeding, and specifies that parties may conduct discovery on the Initial GIP filing and any prefiled testimony. By Decision No. C23-0378, issued June 8, 2023, the Commission established a 30-day notice and intervention period ending June 23, 2023.

3. Through this Decision, we establish the parties to this Proceeding and direct the Company and the parties to file a proposal for the discovery parameters in this Proceeding by July 14, 2023.

B. Interventions

4. Trial Staff of the Commission (Staff) and the Office of the Utility Consumer Advocate (UCA) filed timely notices of intervention by right. The Colorado Energy Office filed a notice of participation on June 1, 2023. The UCA represents the public interest and specific interests of residential, small business, and agricultural customers under § 40-6.5-104, C.R.S. CEO represents the Colorado Governor's Office, including advocating for policies that support statewide greenhouse gas emissions reductions while reducing energy burden and improving equity. UCA requests an evidentiary hearing, and Staff, CEO, and the UCA detail a number of issues they plan to address in this Proceeding.

5. The following parties filed timely, unopposed requests for permissive intervention: Atmos Energy Corporation (Atmos Energy); International Brotherhood of Electrical Workers, Local No. 111 (Local 111); the City and County of Denver (Denver); Tiger Natural Gas, Inc. (Tiger); Advanced Energy United (Advanced Energy); Natural Resources Defense Council, Sierra Club, Southwest Energy Efficiency Project, and Western Resource Advocates (together, the Conservation Advocates); Black Hills Colorado Gas, Inc. (Black Hills); and the City of Boulder (Boulder).

6. Atmos Energy is a natural gas distribution company providing gas distribution, transmission, and transportation services to its retail customers across Colorado. It obtains delivery of a portion of its natural gas system over Public Service's facilities. Atmos Energy states that as one of Public Service's largest natural gas transportation customers, changes to

Public Service's gas transmission system can have a direct and substantial impact on Atmos Energy and its customers. Atmos Energy also states that it is required to file its own GIP under Rule 4552, 4 CCR 723-4, and this proceeding is expected to provide guidance and refinements for future GIP filings.

7. Local 111 is the collective bargaining representative of approximately 1900 employees of Public Service. It states it represents a workforce which will be directly and indirectly affected by the GIP, and that this Proceeding may directly affect the way Public Service deals with its bargaining unit employees in regard to their terms and conditions of employment.

8. Denver and its residents and businesses purchase natural gas from Public Service. It states that Public Service's Initial GIP will affect gas infrastructure investments and potential alternative investments in Denver, and that this Proceeding may determine technical assumptions and methodologies used in future GIP applications that will affect Denver.

9. Tiger is a shipper on Public Service's system. Tiger states that it and its customers will be affected by the significant changes Public Service proposes to its local gas distribution system and possible cost-recovery structures that may be presented in this Proceeding.

10. Advanced Energy states that it is a not-for-profit business association that represents companies and organizations that span the advanced energy sector and its value chains. Advanced Energy states that it has a substantial, specific, and direct interest in this Proceeding because its membership includes companies that use energy and sell energy-related products and services that may be considered in the GIP, as well as companies that are Public Service customers.

11. The Conservation Advocates explain that they have participated in numerous Commission proceedings and have expertise and familiarity with clean energy issues in Colorado. The Conservation Advocates state they have an interest in decreasing emissions from fossil gas distribution and combustion, and in decarbonizing the gas and building sector throughout the Interior West in a manner that is beneficial to both ratepayers and the environment.

12. Black Hills obtains delivery of a portion of its natural gas system supplies over Public Service's facilities. It states that changes to Public Service's gas transmission system, including potential alternatives, can have a direct and substantial impact on Black Hills and its customers. Black Hills also notes that it is required to file its own GIP and that this Proceeding is expected to provide guidance and refinements for future GIP filings.

13. Boulder and its residents and businesses are Public Service customers. Boulder explains that the Boulder Climate Commitment targets a 70 percent reduction in economy-wide greenhouse gas emissions by 2030 and economy-wide carbon neutrality by 2035, and it states that the issues discussed in the Initial GIP may affect the ability of Boulder to achieve its greenhouse emissions reduction goals.

14. Pursuant to Rule 4 CCR 723-1-1041(b) no decision is required in response to appropriately filed notice of intervention by right. The notices of intervention by right are accepted.¹ UCA, Staff, and CEO are parties to this Proceeding.

¹ We recognize that notices of participation are routine in miscellaneous proceedings, despite the requirement in Rule 4552(b), 4 CCR 732-4, to establish an intervention period for the purpose of establishing parties in this Proceeding. Therefore, we construe the Notice of Participation filed by CEO on June 1, 2023, as a Notice of Intervention by Right.

15. Rule 4 CCR 723-1-1401(c) of the Commission's Rules of Practice and Procedure sets forth the standard for permissive intervention and states in relevant part:

A motion to permissively intervene shall state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested information is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. The motion must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant's interests would not otherwise be adequately represented.

16. We find that each entity seeking permissive intervention, all of which are unopposed, has sufficiently demonstrated that this Proceeding may substantially affect its pecuniary or tangible interests, as is required by Rule 1401(c). Each also has demonstrated that its interests would not otherwise be adequately represented. Therefore, we grant the requests for permissive intervention.

17. The parties in this Proceeding include: Public Service, Staff of the Public Utilities Commission, the Office of the Utility Consumer Advocate, the Colorado Energy Office, Atmos Energy, Local 111, Denver, Tiger, Advanced Energy, the Conservation Advocates, Black Hills, and Boulder.

C. Discovery Parameters

18. Rule 4552(b) states that the parties may conduct discovery on the Initial GIP filing and any prefiled testimony submitted with the filing. In a notice accompanying the Initial GIP filing, Public Service requests that the Commission allow the Company to collaborate with the parties on appropriate discovery parameters.

19. We direct the parties to collaborate and file a consensus proposal for the discovery parameters in this Proceeding by July 14, 2023.

II. ORDER

A. **It Is Ordered That:**

1. The Motion to Permissively Intervene filed by Atmos Energy Corporation (Atmos Energy) on June 21, 2023, is granted.

2. The Petition for Leave to Intervene filed by International Brotherhood of Electrical Workers, Local No. 111 (Local 111) on June 22, 2023, is granted.

3. The Motion to Permissively Intervene filed by the City and County of Denver (Denver) on June 22, 2023, is granted.

4. The Motion for Intervention by Permission and Notice of Entries of Appearance of Counsel filed by Tiger Natural Gas, Inc. (Tiger) on June 23, 2023, is granted.

5. The Motion to Intervene and Entry of Appearance filed by Advanced Energy United (Advanced Energy) on June 23, 2023, is granted.

6. The Motion for Permissive Intervention filed by the Natural Resources Defense Council, Sierra Club, Southwest Energy Efficiency Project, and Western Resource Advocates (together, the Conservation Advocates) on June 23, 2023, is granted.

7. The Motion to Permissively Intervene filed by Black Hills Colorado Gas, Inc. (Black Hills) on June 23, 2023, is granted.

8. The Motion for Permission to Intervene filed by the City of Boulder (Boulder) on June 23, 2023, is granted.

9. The parties in this matter are: Public Service, Staff of the Public Utilities Commission, the Office of the Utility Consumer Advocate, the Colorado Energy Office, Atmos Energy, Local 111, Denver, Tiger, Advanced Energy, the Conservation Advocates, Black Hills, and Boulder.

10. Consistent with the discussion above, Public Service and the parties shall collaborate to develop a consensus proposal for the discovery parameters in this Proceeding. Public Service shall file the proposed discovery parameters no later than July 14, 2023.

11. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 5, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners