

Decision No. R23-0242-I

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

PROCEEDING NO. 22AL-0426G

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IN THE MATTER OF ADVICE LETTER NO. 126 FILED BY ROCKY MOUNTAIN NATURAL GAS LLC DOING BUSINESS AS BLACK HILLS ENERGY TO REVISE ITS COLORADO PUC NO. 4 TARIFF FOR AN INCREASE IN RATES AND TO IMPLEMENT OTHER PROPOSED CHANGES, TO BECOME EFFECTIVE NOVEMBER 7, 2022.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
ALENKA HAN,  
SETTING PREHEARING CONFERENCE**

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Mailed Date: April 10, 2023

**I. STATEMENT**

**A. Procedural Background**

1. On October 7, 2022, Rocky Mountain Natural Gas LLC, doing business as Black Hills Energy (RMNG), commenced this Proceeding by filing Advice Letter No. 126 with the Public Utilities Commission (PUC or Commission) seeking approval of a rate increase of 39.1 percent.<sup>1</sup>

2. The procedural history of this Proceeding is set out in previously-issued Interim Decisions and is repeated here as necessary to put this Interim Decision in context.

3. UCA and Commission Staff have filed Interventions as of Right. AM Gas Transfer Corporation's (AM Gas) Motion to Intervene in the Proceeding was granted by

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<sup>1</sup>, Advice Letter No. 126, issued by Rocky Mountain Natural Gas LLC, d/b/a Black Hills Energy, filed Oct. 7, 2022.

Decision No. R22-0821-I. No other interventions have been received. RMNG, UCA, AM Gas, and Commission Staff are the parties to this Proceeding.

4. Decision No. R23-0036-I, issued January 13, 2023, extended the statutory period within which the Commission must issue its decision by an additional 130 days, or up to and including July 15, 2023. Decision No. R23-0036-I also established a procedural schedule to govern this Proceeding and set the matter for an evidentiary hearing commencing April 11-13, 2023.

5. Late Friday, April 7, 2023, the parties advised the undersigned ALJ that three of the four parties had reached a settlement but the fourth had not agreed. The parties indicated that a hearing would be necessary to address the outstanding issues concerning the dispute over the settlement terms.

6. On Saturday and Sunday, April 8 and 9, 2023, the parties advised the undersigned ALJ that prehearing conference held on Monday, April 10, 2023, would be helpful to frame the issues and establish some procedural guidelines for the hearing. Counsel for RMNG and for UCA independently reached out to the undersigned ALJ requesting a prehearing conference. Thus, opposing parties both requested a prehearing conference and no party opposed holding it.

7. Although a party is generally afforded an opportunity to respond to a request or motion, *see* Rule 1400(b), 4 *Code of Colo. Regulations* (CCR) 723-1, Rule 1308(b), 4 CCR 723-1, permits the Commission to “shorten or waive response time to a motion upon motion of a party or on its own motion upon a finding that time is of the essence. . . . The Commission can act immediately where response time is waived and after expiration of the shortened response time.”

8. The undersigned ALJ agrees and finds that a prehearing conference would be helpful and is appropriate.

9. The undersigned ALJ further finds that given the short timeline and the absence of any opposition to holding a prehearing conference, it is appropriate to waive response time to the request. *See* Rule 1308(b), 4 CCR 723-1.

10. Therefore, a fully remote prehearing conference will be held today, April 10, 2023, at 10:30 a.m. A Zoom link will be sent to counsel for the parties.

## II. **ORDER**

### A. **It Is Ordered That:**

1. A fully remote prehearing conference on the above-captioned Application is scheduled as follows:

DATE: April 10, 2023

TIME: 10:30 a.m.

PLACE: By video conference or telephone using the Zoom web conferencing platform, a link for which will be emailed to the parties.

2. Response time to the request for a prehearing conference is waived.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ALENKA HAN

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Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,  
Interim Director