

Decision No. R23-0450-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0204G

IN THE MATTER OF VERIFIED APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF A MODIFIED GAS METER SAMPLING AND PERIODIC TESTING PROGRAM, PROCESS FOR EXCHANGE OF METERS IN FAILED LOTS, AND WAIVER OF COMMISSION RULES 4304(D)(I)-(IV) AND (VI) AS NECESSARY.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
ACKNOWLEDGING INTERVENTIONS, EXTENDING STATUTORY
DEADLINE FOR A COMMISSION DECISION, ADOPTING
PROCEDURAL SCHEDULE, SCHEDULING EVIDENTIARY HEARING,
AND PROVIDING INSTRUCTIONS CONCERNING EXHIBITS AND
PARTICIPATING IN REMOTE HEARING**

Mailed Date: July 10, 2023

I. STATEMENT

A. Procedural Background

1. On April 25, 2023, Public Service Company of Colorado (Applicant) filed with the Commission a Verified Application (Application), seeking approval to continue its existing meter sampling and periodic testing program, with modifications and related revisions to its Colo. PUC No. 6-Gas Tariff as well as the process for continued replacement of meters in failed lots and for a waiver from Commission Rules 4304(d)(I) through (IV) and (VI). This filing commenced Proceeding No. 23A-0204G.

2. On April 26, 2023, the Commission issued a Notice of Application Filed (Notice). The Notice advised interested persons, firms, and corporations of the Application and that the Applicant seeks a Commission decision within 120 days and established a 30-day intervention period for intervenors to file appropriate pleadings to become parties to this Proceeding.

3. On May 11, 2023, the Office of Utility Consumer Advocate (UCA) filed its Notice of Intervention of Right and Entry of Appearance of the Office of Utility Consumer Advocate (UCA’s Notice of Intervention).

4. On May 26, 2023, Trial Staff of the Public Utilities Commission (Staff) filed its Notice of Intervention of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) ad Rule 1401, and Request for Hearing (Staff’s Notice of Intervention).

5. On May 31, 2023, the Commission deemed the Application complete and referred this Proceeding to an Administrative Law Judge (ALJ) by minute entry.

6. The undersigned ALJ informally conferred with the parties who confirmed their availability and requested a remote hearing. The parties have agreed to the following procedural schedule (Consensus Schedule):

| <u>Filings</u> | <u>Proposed Deadline</u> |
|---|---------------------------------|
| Answer Testimony | August 4, 2023 |
| Rebuttal & Cross-Answer Testimony | August 31, 2023 |
| Corrections to Pre-Filed Testimony & Exhibits | September 7, 2023 |
| Pre-Hearing Motions | September 7, 2023 |
| Stipulations/Settlement Agreements | September 14, 2023 |
| Cross Examination Matrix | September 14, 2023 |
| Remote Evidentiary Hearing | September 20-21, 2023 |
| Statements of Position | October 12, 2023 |

B. Procedural Schedule and Unified Numbering System for Hearing Exhibits

7. The Consensus Schedule was agreed to by the parties, is reasonable, and will be adopted, as ordered below.

8. In order to efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Public Service Company of Colorado is assigned hearing exhibit numbers 100 to 199;
- Office of Utility Consumer Advocate is assigned hearing exhibit numbers 200 to 299; and
- Trial Staff of the Public Utilities Commission is assigned hearing exhibit numbers 300 to 399.

C. Extension of Deadline for Commission Decision

9. As stated in the Notice, because Public Service Company of Colorado filed testimony with the Application, the Commission is required by § 40-6-109.5(1), C.R.S., to issue its decision within 120 days of the Application being deemed complete by the Commission. Thus, the Commission's decision in this proceeding must be issued by September 28, 2023.

10. If the Commission in its discretion finds that additional time is necessary for a decision, the period of suspension may be extended an additional 130 days. *See* § 40-6-111(1)(b), C.R.S.

11. In order to facilitate the procedural schedule to which the parties have agreed, it is necessary to extend the time for issuance of a Commission decision. The deadline for the Commission to issue its decision shall be extended by an additional 130 days up to and including February 5, 2024, as ordered below.

D. Remote Evidentiary Hearing

12. As agreed to by the parties, an evidentiary hearing shall be scheduled for September 20-21, 2023. Based on the parties' agreement, the evidentiary hearing in this Proceeding will be conducted as a remote hearing. This Decision and Attachments A and B provide critical information and instructions to facilitate holding the remote hearing, which all parties must follow.

13. To minimize the potential that the remote hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

14. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic evidence presentations at the hybrid hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

E. Additional Procedural Notice

15. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

16. Additional procedural requirements may be addressed in future Interim Decisions.

II. ORDER

A. It Is Ordered That:

1. The Notice of Intervention filed by the Office of Utility Consumer Advocate on May 11, 2023, is acknowledged.

2. The Notice of Intervention filed by the Trial Staff of the Colorado Public Utilities Commission on May 26, 2023, is acknowledged.

3. The deadline for a Commission decision on the Application filed in this proceeding is extended through February 5, 2024.

4. The following procedural schedule is adopted to govern this proceeding:

| <u>Filings</u> | <u>Deadline</u> |
|---|------------------------|
| Answer Testimony | August 4, 2023 |
| Rebuttal & Cross-Answer Testimony | August 31, 2023 |
| Corrections to Pre-Filed Testimony & Exhibits | September 7, 2023 |
| Pre-Hearing Motions | September 7, 2023 |
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5. The parties shall be held to, and shall comply with, the requirements in this Decision. In addition to other requirements of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (e.g., Rule 1202 regarding pre-filed testimony and Rule 1405 regarding discovery procedures), all pre-filed hearing exhibits shall be marked for identification and filed in accordance with this Decision, including Attachment B hereto.

6. A hearing in this matter shall be conducted at the following dates, time, and place:

DATE: September 20-21, 2023

TIME: 9:00 a.m.

PLACE: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge¹

7. This decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director

¹ 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>.