

Decision No. R23-0504-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23AL-0231G

IN THE MATTER OF ADVICE LETTER NO. 32 FILED BY BLACK HILLS COLORADO GAS, INC. TO INCREASE THE BASE RATES CHARGED FOR ALL NATURAL GAS SALES AND TRANSPORTATION SERVICES, TO BECOME EFFECTIVE JUNE 8, 2023.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING REMOTE PREHEARING CONFERENCE**

Mailed Date: July 31, 2023

I. STATEMENT AND BACKGROUND

A. Summary

1. This Decision schedules a fully remote prehearing conference for August 3, 2023 at 4:00 p.m. to move this matter forward.

B. Procedural History¹

2. On May 8, 2023, Black Hills Colorado Gas, Inc. (Black Hills or the Company) filed Advice Letter No. 32 (Advice Letter) with tariff sheets to commence a combined Phase I and II rate case. Black Hills filed direct testimony and attachments of nine witnesses in support of the Advice Letter, and identified June 8, 2023 as the effective date for the tariff sheets filed with the Advice Letter.²

¹ Only the procedural history necessary to understand this Decision is included.

² See Advice Letter No. 32 filed May 8, 2023 (Advice letter) at 5. On May 10, 2023, Black Hills filed an Amended Advice Letter No. 32 to apparently correct an error in tariff sheet no. 15 to reflect the correct effective date of June 8, 2023.

3. On June 7, 2023, the Commission suspended the Advice Letter's effective date to October 6, 2023 and set the Advice Letter for a hearing per § 40-6-111(1), C.R.S.³

4. On July 12, 2023, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition by minute entry.⁴

5. In addition to Black Hills, the parties to this Proceeding are the Office of the Utility Consumer Advocate; Trial Staff of the Colorado Public Utilities Commission; Walmart Inc.; and A M Gas Transfer Corp.⁵

6. On July 26, 2023, the ALJ addressed outstanding motions; ordered the parties to confer on a procedural schedule; ordered Black Hills to file the parties' proposed consensus schedule by August 1, 2023; and advised that the schedule must accommodate an evidentiary hearing in September 2023 and that if the parties wished for the hearing to be held later, that Black Hills would need to file an amended Advice Letter with a later effective date (suggesting December 1, 2023 as that date).⁶ The ALJ also directed the parties to informally contact her via email copied to all parties with their agreed-upon hearing dates to confirm the dates' availability, prior to filing their proposed procedural schedule.⁷

7. The parties have reached out several times to the ALJ informally about questions relating to potential options to allow for a hearing later than September 2023. Based on those communications, the ALJ finds that it is prudent to schedule a remote prehearing conference so that the ALJ can engage with the parties on the record on the issues surrounding a procedural

³ Decision No. C23-0379 at 4 (mailed June 7, 2023).

⁴ July 12, 2023 Minute Entry.

⁵ Decision No. R23-0485-I at 20 (mailed July 26, 2023)

⁶ *Id.* at 16-21.

⁷ *Id.* at 19.

schedule. This does not relieve the parties from the obligation to file a proposed consensus procedural schedule on August 1, 2023. If the ALJ determines that she can approve that schedule without further interaction or discussion with the parties, she will vacate the prehearing conference.

8. Participants will appear at the prehearing conference from remote locations by video-conference and may not appear in person for the prehearing conference. The remote prehearing conference will be held using the web-hosted service, Zoom. Attachment A hereto includes important technical information and requirements to facilitate holding the prehearing conference remotely. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

9. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link and meeting ID or access code 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.

10. *All parties are on notice that failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek, dismissing interventions, and dismissing or granting the Application. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.*

II. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, a fully remote prehearing conference is scheduled as follows:

DATE: August 3, 2023
TIME: 4:00 p.m.
PLACE: Join by video conference using Zoom.

2. Participants in the hearing may not distribute the hearing link, access, or ID code to anyone not participating in the hearing. Participants may not appear in person at the Commission for the above-scheduled hearing. Instead, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

3. All participants must comply with the requirements in Attachment A to this Decision, which is incorporated into this Decision.

4. Nothing in this Decision alleviates the parties from the obligations imposed by Decision No. R23-0485-I.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director