

Decision No. R23-0760

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0461G

WILLIAM KUHN,

COMPLAINANT,

V.

BLACK HILLS ENERGY,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
CONSTRUING CORRESPONDENCE AS MOTION TO
DISMISS COMPLAINT, GRANTING MOTION TO
DISMISS COMPLAINT, VACATING HEARING,
AND CLOSING PROCEEDING**

Mailed Date: November 14, 2023

I. STATEMENT

A. Relevant Background

1. On September 15, 2023, Complainant William Kuhn (Complainant) filed the above-captioned Formal Complaint (Complaint) against Black Hills Energy (Respondent).

2. On September 19, 2023, the Commission issued an Order Setting Hearing and Notice of Hearing (Notice), and an Order to Satisfy or Answer. The Notice set a hearing in this matter for December 4, 2023, at 9:00 a.m., and advised the parties of the same.

3. On September 27, 2023, the Commission referred this Proceeding to an Administrative Law Judge (ALJ) by minute entry. The proceeding was subsequently assigned to the undersigned ALJ.

4. On October 9, 2023, the Answer of Black Hills Colorado Gas, Inc. was filed by Respondent.

5. By Decision No. R23-0687-I, issued October 18, 2023, the ALJ established procedures in this Proceeding.

6. On November 13, 2023, Complainant sent to the Commission an email stating: “i will pay the bill and not continue this sham any further. cancel dec. 4 th. [*sic*] bill kuhn” (Request).

B. Motion

7. The Request shall be construed as a Complainant’s Motion to Dismiss (Motion to Dismiss). No prejudice will result to Respondent from dismissal of the Complaint. Accordingly, response time the Motion to Dismiss will be waived and the Motion to Dismiss will be granted as ordered below.

II. ORDER

A. It Is Ordered That:

1. The correspondence forwarded to the Commission by Mr. William Kuhn (Complainant) on November 13, 2023, is construed as Complainant’s Motion to Dismiss (Motion to Dismiss).

2. Response time to the Motion to Dismiss is waived.

3. The Motion to Dismiss is granted.
4. The Formal Complaint filed on September 15, 2023, is dismissed.
5. The hearing scheduled for December 4, 2023, is vacated.
6. Proceeding No. 23F-0461G is closed.
7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.
8. As provided by § 40-6-109(2), C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.
 - a) If no exceptions are filed within 20 days after service or within any extended period authorized, or unless the decision is stayed by the Commission upon its own motion within 20 days after service, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
 - b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

9. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in black ink, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director