

**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,  
REVISING PROCEDURAL SCHEDULE AND MODIFYING  
COMMENCEMENT OF EVIDENTIARY HEARING**

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Mailed Date: April 11, 2023

**I. STATEMENT**

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, at 9:00 a.m.

5. On Friday, April 7, 2023, the parties advised the undersigned ALJ that three of the four parties had reached a settlement. 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, counsel for RMNG and for UCA requested that a prehearing conference be held to address the procedural aspects of the hearing as well as the issues to be considered at the hearing.

7. The prehearing conference was held Monday, April 10, 2023, at 10:30 a.m.

8. At the prehearing conference, counsel for UCA requested that the hearing addressing the efficacy of the settlement be held commencing Wednesday, April 12, 2023, rather than Tuesday, April 11, 2023, to accommodate conflicts that had arisen on its counsel's calendar.

9. Counsel for RMNG indicated that delaying the hearing by one day would inconvenience at least one of its witnesses, who was already en route to Denver for the evidentiary hearing. Counsel for RMNG suggested that the hearing commence instead on Tuesday, April 11, 2023, at 1:00 p.m. to provide UCA's counsel with additional time to resolve his conflict while not inconveniencing RMNG's witness(es) more than necessary.

10. The undersigned ALJ finds RMNG’s suggestion reasonable because it accommodates UCA counsel’s conflict and minimizes the inconvenience to RMNG’s witness(es).

11. The ALJ will therefore delay the start of the evidentiary hearing addressing the efficacy of the settlement reached by three of the four parties to this Proceeding until Tuesday, April 11, 2023, at 1:00 p.m. The hearing will be hybrid, permitting parties, their counsel, and witnesses to appear either in person or virtually via Zoom.

12. The Zoom link(s) already provided to the parties and available on the Commission’s calendar on its website will be used during the hearing.

13. If the evidentiary hearing is not completed on Tuesday, April 11, 2023, the hearing will continue on Wednesday and Thursday during the time period previously set by Decision No. R23-0036-I until completed.

**II. ORDER**

**A. It Is Ordered That:**

1. The scheduled **hybrid** hearing in this matter is modified to commence on:

Date: **April 11, 2023**

Time: **1:00 p.m., and continue on**

Date: **April 12-13, 2023**

Time: **9:00 a.m. until completed.**

Location: Commission Hearing Room  
1560 Broadway, Suite 250  
Denver, Colorado

**METHOD:** In-person and by videoconference using Zoom at the link provided to counsel and the parties via email sent by Commission Staff.

2. 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