

Decision No. R23-0286-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0010EG

IN THE MATTER OF THE FILING OF 2022 ANNUAL REPORTS IN ACCORDANCE WITH RULES 4 CCR 723-3-3006 AND 4 CCR 723-4-4006 BY UTILITIES HOLDING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE ENERGY SERVICES IN THE STATE OF COLORADO.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
GRANTING LONGMONT POWER & COMMUNICATIONS
AND THE CITY OF FORT MORGAN'S MOTIONS
FOR EXTENSION OF TIME**

Mailed Date: May 2, 2023

I. STATEMENT

1. On January 3, 2023, the Colorado Public Utilities Commission (Commission) opened the above-captioned proceeding as a repository proceeding for the filing of the 2022 annual reports by utilities holding a certificate of public convenience and necessity to provide energy services in the State of Colorado.

2. On January 25, 2023, the Commission referred this proceeding to an Administrative Law Judge (ALJ) by minute entry, for the disposition of all pleadings and motions filed in this proceeding.

3. On February 13, 2023, the Commission noticed the above-captioned proceeding and sent a letter bearing Interim Director G. Harris Adams' signature regarding the filing of 2022 annual reports.

4. On April 26, 2023, the City of Fort Morgan (Fort Morgan) filed its Motion requesting a 30-day extension of time to file their gas and electric annual report. Fort Morgan requests an extension because they are currently without a City Treasurer and in the process of completing their annual audit. Fort Morgan states that the necessary financial entries will not be completed by the deadline.

5. On April 27, 2023, Longmont Power & Communications (Longmont) filed its Motion requesting a 30-day extension of time to file their annual report. Longmont requests an extension because the City's 2022 financial books have not been closed yet and the auditors are currently reviewing the 2022 financial statements. Along with the Motion, Longmont also filed their report of gross regulated intrastate operating revenues required by the Colorado Department of Revenue (Form DR 0525).

6. Pursuant to Rule 3006 of the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* 723-3, and Rule 4006 of the Commission's Rules Regulating Gas Utilities and Pipeline Operators, 4 *Code of Colorado Regulations* 723-4, electric utilities and natural gas utilities shall submit their annual reports on April 30 of each year.

7. In accordance with Rules 3006(a) and 4006(a), an extension of time to file the annual report does not affect the requirement that utilities file the report of gross regulated intrastate operating revenues required by the Colorado Department of Revenue (Form DR 0525). The time for filing the required Form DR 0525 cannot be extended.

8. The Motions filed by Fort Morgan and Longmont states good cause for an extension of time. Granting the Motions will not prejudice any party. The ALJ will grant both Fort Morgan and Longmont's Motions. The date by which Fort Morgan and Longmont must file their respective 2022 annual reports with the Commission will be extended to and including May 30, 2023.

9. Given the nature of each Motion, no party will be prejudiced if response time is waived.

II. ORDER

A. It Is Ordered That:

1. The Motion for Extension of Time filed by the City of Fort Morgan (Fort Morgan) on April 26, 2023, is granted.

2. The extension of time granted does not affect the deadline for filing a copy of the Form DR 0525 to be filed with the Colorado Department of Revenue.

3. The Motion for Extension of Time filed by Longmont Power & Communications (Longmont) on April 27, 2023, is granted.

4. Response time to the above-identified Motions are waived.

5. On or before May 30, 2023, Fort Morgan and Longmont must file with the Commission, their 2022 annual reports pursuant to Rules 3006 of the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* 723-3 and Rule 4006 of the Commission's Rules Regulating Gas Utilities and Pipeline Operators, 4 *Code of Colorado Regulations* 723-4.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director