

Decision No. R23-0499-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0218G

IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC. FOR APPROVAL OF A NUMBER OF STRATEGIC ISSUES RELATING TO ITS GAS DEMAND SIDE MANAGEMENT PLAN.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
SETTING PROCEDURAL SCHEDULE,
AND SCHEDULING EVIDENTIARY HEARING**

Mailed Date: August 1, 2023

I. STATEMENT AND PROCEDURAL BACKGROUND

A. Summary

1. This Decision sets a procedural schedule to govern this proceeding and sets a two-day fully remote evidentiary hearing to be held on November 2-3, 2023.

B. Procedural History¹

2. Colorado Natural Gas, Inc. (CNG) initiated this matter on May 1, 2023, by filing the above-captioned Application with the Public Utilities Commission of the State of Colorado (PUC or Commission) seeking approval of its 2024-2027 Demand-Side Management (DSM) Strategic Issues Plan (DSM SI Plan) and its 2024-2025 DSM Plan.² Attached to CNG's Verified Application were the following documents:

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

² Verified Application of Colorado Natural Gas, Inc., filed May 1, 2023, p. 1.

- Attachment A: CNG’s 2024-2027 Demand-Side Management Strategic Issues, dated May 1, 2023;
- Attachment B: CNG’s 2024-2025 Natural Gas Demand-Side Management Plan, dated May 1, 2023; and,
- Attachment C: CNG’s Portfolio M&V 2020-2021, Evaluation Report, prepared by Demand Side Analytics, March 2022, updated November 2022.

3. On May 3, 2023, the Commission sent out a Notice of Application Filed (Notice) to interested persons. The Notice stated that CNG “**has not** filed testimony and is seeking a Commission decision within 250 days.”³ In addition, the Commission’s Notice mandated that “Unless [it] orders otherwise, the applicant(s) [CNG] shall file testimony within 60 days of the filing of this application.”⁴

4. After the Commission’s issuance of the Notice, the following entities filed Interventions as of right in this Proceeding:

- The Office of the Utility Consumer Advocate (UCA) filed its Notice of Intervention of Right, Request for Hearing and Entry of Appearances on May 18, 2023;
- Trial Staff of the Commission filed its Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing on May 25, 2023; and
- The Colorado Energy Office (CEO) filed a Notice of Intervention by Right on June 2, 2023, which it withdrew on July 12, 2023.

5. In addition, Energy Outreach Colorado (EOC) filed an Unopposed Motion to Intervene and Entry of Appearance in this Proceeding on June 2, 2023.

6. On June 21, 2023, the Commission by minute order deemed the Application complete and assigned the Proceeding to an Administrative Law Judge (ALJ) for disposition. The Proceeding was subsequently assigned to the undersigned ALJ.

³ Notice of Application Filed by Colorado Natural Gas, Inc., May 3, 2023, p. 1.

⁴ *Id.*

7. By Decision No. R23-0460-I, issued July 14, 2023, the undersigned ALJ ordered CNG to show cause why it had not filed testimony as required by the Commission's Notice of Application Filed. Subsequently, on July 17, 2023, CNG filed the testimony of Clark Medlock and responded to the show cause order. By Decision No. R23-0498-I, issued July 31, 2023, the undersigned ALJ discharged the show cause order, permitting CNG's Application to proceed.

8. Decision No. R23-0498-I also granted EOC's Unopposed Motion to Intervene and acknowledged the Interventions of Right filed by Commission Staff and UCA.

9. The ALJ acknowledges CEO's withdrawal of its Intervention of Right.

10. Based on these Decisions and the notices the Commission has received, the parties to this proceeding going forward are CNG, Commission Trial Staff, UCA, and EOC.

II. PROCEDURAL SCHEDULE AND EVIDENTIARY HEARING

A. Hearing Setting and Procedural Schedule

11. On July 21 and July 27, 2023, the parties conferred by email with undersigned ALJ regarding a proposed, unopposed procedural schedule to govern this Proceeding.

12. CNG, UCA, EOC, and Commission Staff unanimously agreed to the following proposed procedural schedule:

Answer Testimony	August 31, 2023
Rebuttal/Cross Answer Testimony	September 25, 2023
Prehearing Motions	October 6, 2023
Settlement & Supporting Testimony	October 20, 2023
Corrections, Witness Matrices, & Exhibit Lists	October 27, 2023
EVIDENTIARY HEARING	November 2-3, 2023
Statements of Position	November 20, 2023

13. Through CNG’s counsel, the parties requested a fully remote hearing. The undersigned ALJ will therefore schedule a fully remote hearing. If at some time in the future the parties desire a different hearing format, they may so request by motion to be determined by the ALJ.

14. The ALJ notes that the Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission’s hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

15. The ALJ has reviewed the parties’ proposed schedule and finds that it is reasonable. It will be adopted, as order below.

B. Unified Numbering System for Hearing Exhibits

1. 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:

- | | | |
|----|---|--------------------------|
| a. | Colorado Natural Gas, Inc.: | Hearing Exhibits 100-199 |
| b. | Commission Staff: | Hearing Exhibits 200-299 |
| c. | The Office of the Utility
Consumer Advocate: | Hearing Exhibits 300-399 |
| d. | Energy Outreach Colorado: | Hearing Exhibits 400-499 |

C. Additional Advisements

16. The Parties are further advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the Parties to be familiar with and to comply with these rules. The rules are available on the Commission's website (<https://puc.colorado.gov/pucrules>).

17. The parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests, including granting the complete relief opposing parties seek, dismissing interventions, and dismissing or granting the Application.

D. Informal Video-Conference Practice Session

18. The ALJ will hold an informal practice video-conference session if requested by any party to give the parties an additional opportunity to practice using Zoom and box.com before the hearing.

19. The parties may contact a Commission Legal Assistant by email at casey.federico@state.co.us or stephanie.kunkel@state.co.us, to schedule an informal practice video-conference session.

20. The parties will receive information and a link to participate in the informal practice session by email.

III. **ORDER**

A. **It Is Ordered That:**

1. A **fully remote** hearing is scheduled as follows:

Date: **November 2-3, 2023**

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

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

METHOD: By videoconference using Zoom at the link to be provided to counsel and the parties via email prior to the hearing.

All parties and witness must participate remotely by joining a video conference using Zoom at the link provided to the established parties in an e-mail prior to the scheduled hearing, as addressed above.⁵

2. The parties and witnesses may not distribute the Zoom link and access code to anyone not participating in the remote hearing.

⁵ Instructions for using the Zoom videoconferencing platform are provided in Attachment A to this Decision.

3. The following procedural schedule is adopted:

Answer Testimony	August 31, 2023
Rebuttal/Cross Answer Testimony	September 25, 2023
Prehearing Motions	October 6, 2023
Settlement & Supporting Testimony	October 20, 2023
Corrections, Witness Matrices, & Exhibit Lists	October 27, 2023
EVIDENTIARY HEARING	November 2-3, 2023
Statements of Position	November 20, 2023

4. **Video-Conference Participation.** Counsel for the parties, parties, and witnesses are to participate in the evidentiary hearing by videoconference using the Zoom platform.

5. **Evidence Presentation at the Evidentiary Hearing.** Because the hearing will be held remotely by videoconference, all evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a) have access to all pre-filed exhibits; and (b) can download and view documents available from box.com during the hearing.

6. The parties shall adhere to the following numbering system for their respective exhibits:

- a. Colorado Natural Gas, Inc.: Hearing Exhibits 100-199
- b. Commission Staff: Hearing Exhibits 200-299
- c. The Office of the Utility Consumer Advocate: Hearing Exhibits 300-399
- d. Energy Outreach Colorado: Hearing Exhibits 400-499

7. **The ALJ will hold an informal Zoom practice session upon request.**

8. **Instructions for Preparation and Presentation of Exhibits at Hearing:** 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), detailed additional instructions governing the preparation and presentation of exhibits at the hearing are set out in Attachment B to this order, which is incorporated into and made part of this order.

9. **Instructions for Remote Hearings Via Zoom:** Detailed instructions governing participation in and procedures for remote hearings conducted via Zoom are set out in Attachment A to this order, which is incorporated into and made part of this order.

10. 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