

Decision No. R23-0779-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
VACATING NOVEMBER 28, 2023 HEARING DATE**

Mailed Date: November 27, 2023

I. STATEMENT AND BACKGROUND

A. Summary

1. This Decision vacates the first day of the evidentiary hearing in this matter, that is November 28, 2023, and maintains the remaining hearing dates of November 29, 30 and December 1, 2023.¹

B. Procedural History

2. On May 8, 2023, Black Hills filed Advice Letter No. 32 (Advice Letter) with tariff sheets to commence a combined Phase I and II rate case. Black Hills filed the direct testimony and attachments of nine witnesses in support of the Advice Letter.²

¹ As a courtesy, and due to the intervening Thanksgiving and Governor's holidays on November 23 and 24, 2023, the ALJ informally notified the parties via email on November 21, 2023 that the November 28, 2023 hearing date would be vacated.

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 and set the Advice Letter for a hearing per § 40-6-111(1), C.R.S., among other matters.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 (the UCA); Trial Staff of the Colorado Public Utilities Commission (Staff); Walmart Inc. (Walmart); and A M Gas Transfer Corp (A M Gas).⁵

6. With the parties' input, on August 10, 2023, the ALJ scheduled a hybrid evidentiary hearing on the merits of this matter for November 28, 2023 through December 1, 2023, and established procedural deadlines relating to the same.⁶

7. On November 17, 2023, Black Hills filed a Settlement Agreement (Agreement or Settlement Agreement) and supporting Motion. Black Hills, Staff, the UCA, and Walmart are parties to the Agreement, and A M Gas objects to one aspect of the Settlement Agreement and does not oppose the Agreement's other provisions.⁷

8. On November 20, 2023, the Company, Staff, and the UCA filed Settlement Testimony. A M Gas did not.

9. On November 21, 2023, the Company filed a Joint Witness Examination Matrix for the upcoming evidentiary hearing. The Joint Witness Examination Matrix indicates that the parties

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 Decision No. R23-0532-I (mailed August 10, 2023).

⁷ Motion to Approve Settlement Agreement at 1; Settlement Agreement at 4, fn. 1.

anticipate that they will require approximately two hours to examine all witnesses who may testify at the hearing.

II. FINDINGS, ANALYSIS, AND CONCLUSIONS

10. In light of the Settlement Agreement, Settlement Testimony, the Joint Witness Examination Matrix, and the written testimony filed in this Proceeding, the ALJ concludes that four days of hearing is unnecessary. The ALJ will vacate the first day of hearing, that is, November 28, 2023. In an abundance of caution, the ALJ dose not disturb the remaining hearing dates, (November 29 to December 1, 2023), which will remain unchanged. The ALJ will vacate any additional hearing dates as it becomes necessary.

11. The ALJ finds that vacating the first day of hearing is in the parties' best interests, as this provides them with an additional day to prepare for hearing, which may be particularly helpful in light of the Thanksgiving holiday.

III. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, the November 28, 2023 hybrid hearing date, scheduled by Decision No. R23-0532-I, is vacated. The November 29, 30, and December 1, 2023, hearing dates are not impacted by this Decision, and remain intact.

2. Unless specifically modified by this Decision, no other aspect of Decision No. R23-0532-I is changed, including Attachments A and B to such Decision.

3. 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