

Decision No. R24-0249-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0418G

ARM, LLC, and HEARTLAND INDUSTRIES, LLC

COMPLAINANTS,

V.

COLORADO NATURAL GAS, INC. and WOLF CREEK ENERGY, LLC,

RESPONDENTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY SHORTENING RESPONSE TIME TO
RESPONDENTS' MOTION FOR EXTRAORDINARY
PROTECTION**

Mailed Date: April 19, 2024

I. STATEMENT

A. Summary of Procedural Background

1. On August 16, 2023, ARM, LLC (ARM) and Heartland Industries, LLC (Heartland) (collectively, Complainants) filed a Formal Complaint against Colorado Natural Gas, Inc. and Wolf Creek Energy, LLC (collectively, Respondents) that initiated this proceeding.

2. On August 30, 2023, the Commission referred the matter by minute entry to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

3. On January 30, 2024, the ALJ signed a Subpoena Duces Tecum filed by the Utility Consumer Advocate (UCA) ordering Summit Utilities, Inc. (Summit Utilities) to produce documents at a deposition scheduled for February 9, 2024.

4. On February 8, 2024, Summit Utilities filed a Motion to Quash Subpoena Duces Tecum (Motion to Quash). On February 22, 2024, Complainants, Commission Trial Staff (Staff), and UCA filed responses to the Motion to Quash.

5. On February 23, 2024, Complainants filed a Motion to Compel Discovery from Respondents (Motion to Compel).

6. On April 5, 2024, the ALJ issued Decision No. R24-0209-I that granted-in-part and denied-in-part the Motion to Quash, granted the Motion to Compel, and ordered Summit Utilities and Respondents to supplement their responses to the discovery addressed in the decision within two weeks.

7. On April 17, 2024, Respondents filed a Motion for Extension to Respond to Certain Requests in Subpoena Duces Tecum (Motion for Extension). On April 18, 2024, the ALJ issued Decision No. R24-0428-I denying without prejudice the Motion for Extension.

8. On April 18, 2024, Respondents filed a First Motion for a Protective Order Affording Extraordinary Protection for Highly Confidential Information (Motion) that they plan to produce in response to the Motion to Quash and the Motion to Compel.

B. Analysis

9. In the Motion, Respondents state that they conferred with the other parties and report that: (a) neither ARM nor Staff stated their position with respect to the Motion; and (b) UCA stated that it takes no position on the Motion, reserves its right to respond thereto, but

also agrees to waive response time to the Motion. Respondents do not state whether they contacted Heartland to obtain its position with respect to the Motion.

10. Based on the foregoing, the ALJ will shorten response time to the Motion to April 24, 2024.

II. ORDER

A. It Is Ordered That:

1. Response time to the First Motion for a Protective Order Affording Extraordinary Protection for Highly Confidential Information filed on April 18, 2024 by Colorado Natural Gas, Inc. and Wolf Creek Energy, LLC is shortened to April 24, 2024.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director