

Decision No. R24-0273

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23F-0418G

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ARM, LLC, and HEARTLAND INDUSTRIES, LLC

COMPLAINANTS,

V.

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

RESPONDENTS.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
CONOR F. FARLEY  
GRANTING UNOPPOSED REVISED MOTION FOR  
EXTENSION TO RESPOND TO CERTAIN REQUESTS IN  
SUBPOENA DUCES TECUM**

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Mailed Date: April 24, 2024

**I. STATEMENT**

**A. Background**

1. On August 16, 2023, ARM, LLC and Heartland Industries, LLC (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 (Subpoena) 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, 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 18, 2024, Respondents filed a Motion for Extension of Time to Respond to Certain Requests in the Colorado Office of the Utility Consumer Advocate's Subpoena Duces Tecum (Motion).

8. On April 18, 2024, the ALJ issued Decision No. R24-0248-I denying without prejudice the Motion for failure to comply with Commission Rule 1400(a)<sup>1</sup> and Decision No. R24-0209-I.

9. On April 19, 2024, Respondents filed an Unopposed Revised Motion for Extension of Time to Respond to Certain Requests in the Colorado Office of the Utility Consumer Advocate's Subpoena Duces Tecum (Unopposed Motion). In the Unopposed Motion, Respondents request a

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<sup>1</sup> 4 Code of Colorado Regulations 723-1.

one-week extension to and including April 26, 2024 to respond to requests 14, 22, and 23 in the Subpoena. Respondents state that no parties oppose the Unopposed Motion.

**B. Analysis**

10. Respondents have stated good cause to grant the Unopposed Motion. Accordingly, it shall be granted.

**II. ORDER**

**A. It Is Ordered That:**

1. The Unopposed Revised Motion for Extension of Time to Respond to Certain Requests in the Colorado Office of the Utility Consumer Advocate's Subpoena Duces Tecum filed by Respondents Colorado Natural Gas, Inc. and Wolf Creek Energy, LLC on April 19, 2024 is granted.

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

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

Rebecca E. White,  
Director