

Decision No. R24-0627-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0106W

IN THE MATTER OF THE APPLICATION OF PAPASON LLC D/B/A BAXTER WATER AND SERVICES REQUESTING APPROVAL FOR SIMPLIFIED REGULATORY TREATMENT AND PARTICIPATION IN THE RESOURCE COST PASS-THROUGH OPTION.

**INTERIM DECISION
GRANTING MOTION REQUESTING PUBLIC COMMENT
HEARING AND SCHEDULING REMOTE PUBLIC
COMMENT HEARING**

Issued Date: August 29, 2024

I. STATEMENT

A. Procedural Background

1. On March 1, 2024, Papason LLC, doing business as Baxter Water & Services (“Baxter” or “Applicant”) filed with the Commission its Application for Simplified Regulatory Treatment and Participation in the Resource Cost Pass-Through Option. This filing commenced Proceeding No. 24A-0106W.

2. On April 19, 2024, the Trial Staff of the Public Utilities Commission (“Staff”) timely noticed its intervention of right and requested a hearing,

3. On May 1, 2024, the Commission referred this matter to an Administrative Law Judge (ALJ) by minute entry.

4. By Decision No. 24A-0391-I, issued June 6, 2024, the undersigned ALJ, among other things, adopted procedures for this Proceeding.

5. By Decision No. R24-0551-I, issued July 31, 2024, the undersigned ALJ vacated all procedural deadlines in this Proceeding, except the deadline for the filing of a Settlement Agreement.

6. On August 16, 2024, the Joint Unopposed Motion to Schedule a Public Comment Hearing, Approve Unanimous Comprehensive Settlement Agreement, and Waive Response Time (“Motion”) was filed by Staff. Attached to the Motion, is an executed copy of the parties’ Unanimous Comprehensive Settlement Agreement (“Settlement Agreement”), a copy of the Applicant’s proposed new tariff (“Tariff”), and a Notice of Proposed Rate Increase and Tariff Changes (“Notice”). In the Motion, the parties request that the Commission: waive response time to the motion; schedule a public comment hearing on the Settlement Agreement approximately three weeks from the date this Motion was filed; find that the Settlement Agreement is just, reasonable, and in the public interest, and approve the Settlement Agreement without modification; and authorize the Applicant to implement the Tariff through a compliance advice letter filing, on not less than two business days’ notice.

B. Motion Requesting to Hold a Public Comment Hearing

7. In the Motion, Staff states that the Staff and the Applicant (the “Settling Parties”) agree that the ALJ should hold a public comment hearing approximately three weeks after the Settlement is filed to allow the Applicant’s customers the opportunity to provide feedback on the proposed rate increases and other provisions of the Settlement.¹ The Settling Parties recommend that this hearing be conducted remotely by videoconference in order to make it as accessible to

¹ Motion at p. 6.

Baxter's customers.² Upon the scheduling of a public comment hearing, Baxter commits to mailing a notice to its customers informing the customers of the date and time of the hearing.³

8. The Motion is unopposed and generally states good cause for the parties' request to hold a public comment hearing on the Settlement Agreement. However, the ALJ finds and concludes that the holding of a public comment hearing within approximately three weeks of the date of the filing of the Motion would place excessive burden to the Commission's administrative staff and may limit the ability of the Commission to appropriately advertise the public comment hearing and, as a result, limit the public's ability to participate in the public comment hearing. Therefore, the hearing will be scheduled for October 8, 2024, as ordered below.

1. Observing or Participating in the Virtual Public Comment Hearing

9. The public comment hearing will be held virtually and hosted via the Zoom videoconferencing service. The hearing will take place from 4:00 p.m. until no later than 6:00 p.m. The hearing will conclude upon the completion of the public comments, but no earlier than 5:30 p.m.

10. Members of the public who wish to attend and submit a verbal public comment are required to register through the following registration link:

<https://us06web.zoom.us/meeting/register/tZArcumppzsvHtFW-Ztux43ZWhescw1K-piZ>

11. For questions about the virtual public comment hearing, please contact the Colorado Public Utilities Commission's ("Commission") Communication Director, Megan Castle, at megan.castle@state.co.us.

² *Id.*

³ *Id.*

12. To ensure a clear record and orderly hearing progression, interested persons are strongly encouraged to participate in the virtual public comment hearing by videoconference. Nevertheless, interested persons have the option to participate by telephone only without video.

13. During the virtual public comment hearing, the ALJ will take action as necessary to facilitate a clear and understandable record, and to ensure the orderly progress of the hearing. For the same reasons, all participants are requested to: (a) mute their microphone during the hearing until called upon by the ALJ; (b) ensure they are participating from a location with minimal or no background noise; (c) not connect to the hearing using multiple devices located in the same room (which causes audio feedback); and (d) input their full name into Zoom when prompted to do so. Participants are encouraged to use a headset to listen to the hearing, as this may also help avoid background noise and feedback when they speak. Participants are encouraged to use a computer, smart phone, or tablet that is connected to the internet and has an operational microphone, speaker, and camera.

14. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by videoconference using a computer. This is intended to ensure that the remote hearing proceeds efficiently. Hence, it is important that videoconference participants carefully review and follow all requirements in this Decision and Attachment A.

15. Consistent with Commission practice, the virtual public comment hearing will be webcast on the Commission's YouTube channel. Persons wishing to observe, but not participate in the hearing may do so by observing the webcast of the rulemaking hearing and need not join the hearing by telephone or videoconference. To observe the hearing by webcast, you may do so online on the Commission's YouTube channel at:

<https://www.youtube.com/@COPublicUtilitiesCommission/>.

2. Requesting Accommodations for Public Comment Hearings

16. The Commission strives to accommodate all members of the public at its hearings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Interested persons requesting an accommodation for the public comment hearing should complete the Language Access Form under the “How to Make Comments” tab at <https://puc.colorado.gov/how-to-participate> at least one week prior to the hearing. Requests for accommodation can also be made directly by contacting Holly Bise at 303-894-2024, or holly.bise@state.co.us.

3. Other Methods to Submit Public Comments

17. Interested persons may provide written or oral comments. Although the Commission prefers written comments over oral comments, they are given the same weight.

18. Interested persons are encouraged to submit written comments through either:

- a. Using the Commission’s Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage>;
- b. Submitting a comment via online form on the Commission’s website at <https://puc.colorado.gov/> by clicking on the “FILE A COMMENT OR COMPLAINT” link;
- c. Mailing comments to the Commission’s offices at: Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, CO 80202; or
- d. Leaving a voicemail at (303) 869-3490 (English and Spanish options).

Please reference this Proceeding (No. 24A-0106W) when submitting a comment.

C. Request to Waive Response Time

19. Because the Motion was jointly-filed by the parties and is unopposed, the parties' request to waive response time will be granted, as ordered below.

D. Remaining Requested Relief

20. The remaining relief requested in the Motion will be addressed by a separate Decision.

II. ORDER

A. It is Ordered That:

1. Consistent with the discussion above, response time to the Joint Unopposed Motion to Schedule a Public Comment Hearing, Approve Unanimous Comprehensive Settlement Agreement, and Waive Response Time ("Motion"), filed by Staff on August 16, 2024 is waived.

2. Consistent with the discussion above, the Motion is granted, in part, as to the parties' requests to hold a public comment hearing and waive response time.

21. A virtual public comment hearing on the Settlement Agreement that was filed by Staff on August 16, 2024 in this Proceeding is scheduled as follows:

DATE: Tuesday, October 8, 2024

TIME: 4:00 p.m. to 6:00 p.m.⁴

PLACE: By video conference: using the Zoom web conferencing platform at a link in the calendar of events on the Commission's website, available at <https://puc.colorado.gov/>.

22. Members of the public who wish to submit a public comment hearing in this Proceeding shall comply with the instructions set forth in this Decision and Attachment A hereto.

⁴ Please note that the hearing will conclude upon completion of public comments, but no earlier than 5:30 p.m.

23. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director