

Decision No. C25-0144

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

PROCEEDING NO. 25A-0049FG

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IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO GAS, INC., DOING BUSINESS AS BLACK HILLS ENERGY, FOR AN ORDER GRANTING TO IT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE NATURAL GAS FRANCHISE RIGHTS IN THE TOWN OF SNOWMASS VILLAGE, COLORADO.

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**COMMISSION DECISION DEEMING APPLICATION  
COMPLETE AND GRANTING APPLICATION**

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Issued Date: March 5, 2025  
Adopted Date: February 26, 2025

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of an Application filed by Black Hills Colorado Gas, Inc. (“Black Hills” or the “Company”) on January 21, 2025 for a Certificate of Public Convenience and Necessity (“CPCN”) to exercise franchise rights in the Town of Snowmass Village, Pitkin County, Colorado (“Snowmass Village” or the “Town”).

2. The Commission provided notice of this Application on January 22, 2025, to all interested persons, firms, and corporations. No petition to intervene or notice of intervention has been filed, and thus the Application is uncontested. Accordingly, the Application will be determined without a formal hearing in accordance with § 40-6-109(5), C.R.S., and Rule 1403, 4 *Code of Colorado Regulations* (“CCR”) 723-1 of the Commission’s Rules of Practice and Procedure.

3. Black Hills is engaged in, inter alia, the sale, distribution, and transportation of natural gas service in its certificated areas in the State of Colorado. The Town is located within such certificated areas.

4. Black Hills requests the Commission issue a Decision granting it a CPCN to exercise franchise rights in Snowmass Village. Pursuant to Ordinance No. 11, adopted October 7, 2024, the Town granted Black Hills a 20-year franchise to provide natural gas service within Frederick, that will take effect on the first day of the month following approval by the Commission.

5. A previous franchise was granted by the Town pursuant to an Ordinance that was adopted by the town on July 16, 1978. The Ordinance number is unknown. On September 19, 1978, the Commission, in Decision C78-1232. Application No. 31101, granted Black Hills predecessor, Kinder Morgan, Inc., a CPCN to exercise franchise rights as described in the Ordinance.

6. On June 28, 2004, Snowmass Village passed and adopted Ordinance No. 14, Series 2004, granting Black Hills' predecessor, Kinder Morgan, Inc. a franchise to provide natural gas service within Snowmass Village. On September 3, 2004, the Commission, in Decision No. C04-1049, Application No. 04A-413FG, granted Kinder Morgan, Inc. a CPCN to exercise franchise rights as described in Ordinance No. 14, Series 2004.

7. A utility wishing to exercise any franchise agreement or privileges entered into with a municipality must obtain a CPCN from the Commission pursuant to § 40-5-102, C.R.S. When the municipality and utility enter into a franchise agreement, that agreement must be submitted to the Commission for approval. See § 40-5-102, C.R.S. Such applications allow the

Commission to review franchise agreements to ensure that the terms are reasonable and in the public interest.

8. The Commission understands the utility and the municipality may want to revise the terms established in a franchise agreement at some point in the future and that existing franchise agreements have scheduled expiration dates. Upon negotiation of a new or amended franchise agreement, the utility shall return to the Commission in a timely manner to obtain authorization to implement the provisions of the new franchise agreement. In the event that this franchise is not renewed at the expiration of its term or is terminated for any reason, the Company is directed to notify the Commission in a timely manner.

9. According to the franchise agreement, as consideration for the franchise rights granted and in recognition of Black Hills' right to use the Town streets, the Town requires Black Hills to collect and remit to the Town a franchise fee equal to 0.0246 per therm of all revenues received from the sale, distribution or transportation of natural gas within the Town, excluding revenues received from the Town for the sale of natural gas service to the Town.

10. No other utility is authorized to provide natural gas utility service within the areas for which Black Hills seeks a certificate in this application.

11. We find the franchise is required by public convenience and necessity and the terms of the franchise agreement are just, reasonable, and in the public interest. However, in the event that issues of revenue requirement, cost allocation, and rate design are implicated by any provision of the franchise agreement, those issues will be analyzed in an appropriate Commission proceeding. Approval of the franchise agreement does not constitute approval of, or precedent regarding any principle or issue in revenue requirement, cost allocation, or rate design in any natural gas adjustment, refund, or rate case proceedings.

12. Black Hills, and its predecessors, have provided gas service in the Town since 1978, subject to a relevant franchise agreement. Because the areas encompassed by the above-referenced franchises are currently served by Black Hills, the Company is not required to provide a feasibility study for each area as set forth in Rule 4100(b)(VI), 4 CCR 723-4 of the Commission's Rules Regulating Gas Utilities.

13. We find that Black Hills has the financial ability and is qualified and competent to conduct the utility operations sought under its application.

14. Black Hills' natural gas service tariffs, currently on file with the Commission, will be used for service under this application.

15. Providing uninterrupted service to the residents of Snowmass Village is in the public interest. Therefore, the Commission finds that the application is in the public interest and should be granted.

**II. ORDER**

**A. The Commission Orders That:**

1. The Application filed by Black Hills Colorado Gas, Inc., for a Certificate of Public Convenience and Necessity ("CPCN") to exercise franchise rights pursuant to Ordinance No. 11 in the Town of Snowmass Village is deemed complete and granted.

2. The grant of the CPCN to operate under the terms of this franchise agreement is in the public interest and in accordance with the terms of § 40-5-102, C.R.S.

3. The franchise shall remain in effect for a period of 20 years and became effective on the first day of the month following Commission approval.

4. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an Application for Rehearing, Reargument, or Reconsideration shall begin on the first day after the Commission mails this Decision.

5. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING  
February 26, 2025.**

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ATTEST: A TRUE COPY

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners