

Decision No. R25-0188-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0561G

IN THE MATTER OF THE VERIFIED JOINT APPLICATION OF BLACK HILLS COLORADO GAS, INC. AND ROCKY MOUNTAIN NATURAL GAS LLC FOR A COMMISSION DECISION APPROVING QUALITY OF SERVICE PLANS

**INTERIM DECISION ACKNOWLEDGING
INTERVENTIONS, ADOPTING PROCEDURAL
SCHEDULE, SCHEDULING EVIDENTIARY HEARING,
AND PROVIDING INSTRUCTIONS TO PARTICIPATE IN
REMOTE HEARING**

Issued Date: March 28, 2025

I. STATEMENT AND PROCEDURAL HISTORY

A. Statement

1. This Decision acknowledges the Office of Utility Consumer Advocate's ("UCA") intervention of right; acknowledges Commission Trial Staff's ("Staff") intervention of right; sets forth prehearing deadline; and sets a remote evidentiary hearing for May 22-23, 2025, at 9:00 a.m. daily.

B. Procedural History

2. On December 20, 2024, Black Hills Colorado Gas, Inc., doing business as Black Hills Energy ("Black Hills") and Rocky Mountain Natural Gas LLC ("Rocky Mountain") filed a joint application for approval of Quality of Service Plans ("Application").

3. On December 20, 2024, the Commission provided public notice of the Application as follows:

You are notified that an Application has been filed with the Colorado Public Utilities Commission on December 20, 2024 by Black Hills Colorado Gas, Inc., doing business as Black Hills Energy, and Rocky Mountain Natural Gas LLC, 7060 Alegre Street, Fountain, CO 80817, for a joint application for approval of Quality of Service Plans. The Application is available for public inspection by accessing the Commission’s E-Filing system at colorado.gov/dora/puc.

4. On January 15, 2025, the Office of Utility Consumer Advocate (“UCA”) timely filed an Intervention as a Matter of Right, Request for Hearing and Entry of Appearance (“UCA Intervention”).

5. On January 27, 2025, Commission Trial Staff (“Staff”) timely filed a Notice of Intervention as of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rules 1007(a) and 1401, 4 *Colorado Code of Regulations* (“CCR”) 723-1, and Request for Hearing (“Staff Intervention”).

6. On February 12, 2025, the Commission referred this proceeding to an Administrative Law Judge (“ALJ”) by minute entry.

7. The ALJ reached out to all the parties’ counsel via email and requested that the parties confer on a procedural schedule. The parties provided their proposed schedule to the ALJ as requested.

II. FINDINGS, ANALYSIS, AND CONCLUSIONS

A. Interventions

8. As relevant here, a party with a legally protected right that may be impacted by the proceeding may intervene as a matter of right.¹

9. Under Rule 1401(a), 4 CCR 723-1, any person may file a notice of intervention as of right within 30 days of notice of any proceeding. Staff is given an additional seven days in which to intervene.²

10. UCA claims in its timely intervention that it may intervene of right. The ALJ acknowledges UCA’s Intervention, and UCA is a party to this proceeding.

11. Staff claims in its timely intervention that it may intervene of right. The ALJ acknowledges Staff’s Intervention, and Staff is a party to the proceeding.

B. Procedural Schedule

12. The parties agreed to the following procedural schedule:

Procedural Activity	Date
Answer Testimony	April 10, 2025
Rebuttal and Cross-Answer Testimony	May 5, 2025
Pre-Hearing Motions	May 12, 2025
Corrections to Pre-Filed Testimony and Exhibits	May 12, 2025
Stipulations/Settlement Agreements	May 14, 2025
Settlement Testimony	May 16, 2025

¹ Rule 1401(b) 4 CCR 723-1. See § 40-6-109(a), C.R.S.; *RAM Broadcasting of Colo. Inc., v. Public Utilities Comm’n*, 702 P.2d 746, 749 (Colo. 1985).

² Rule 1402(c), 4 CCR 723-1.

Procedural Activity	Date
Responses to Pre-Hearing Motions	May 16, 2025
Exchange Exhibit and Witness Lists and provide copies of exhibits ³	May 19, 2025
Cross-Examination Matrix	May 19, 2025
Virtual Hearing Date	May 22-23, 2025
Statements of Position	tbd ⁴

III. REMOTE HEARING

13. Based on the flexibility it affords the parties and their witnesses, the evidentiary hearing in this matter will be held in a remote format. A remote hearing is where the parties and ALJ appear remotely. The hearing will be scheduled for **May 22-23, 2025**, at 9:00 a.m. daily as ordered below. A webcast of the proceedings will be available to the public through the Commission’s website.

14. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow.

15. The procedures developed for the remote evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by video conference allows parties and witnesses to view exhibits on the video conference screen while the exhibits are being offered into evidence and witnesses testify about them.

³ The parties and the ALJ emailed about the date for exchanging witness and exhibit lists, but the procedural schedule also requires the parties to exchange copies of exhibits.

⁴ The parties proposed filing Statements of Position on June 19, 2025. The ALJ will determine the filing date for Statements of Position, if they are needed, at the conclusion of the evidentiary hearing.

16. The remote evidentiary hearing will be conducted via video conference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the hybrid hearing may be disrupted by non-participants, the link and meeting ID, or access code to attend the hearing will be provided to the parties by email approximately one week before the hearing and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

17. At the hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this proceeding. Given that the hearing will require remote participation by video conference, exhibits must be presented electronically.

18. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of hybrid evidentiary hearing.⁵ As such, it is essential that the parties ensure they can access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

19. Each party must: (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with

⁵ Box.com is a web-based document sharing service. When exhibits are first presented during the hearing, the Commission will receive them electronically from each party's box.com folder for display.

the first page number as page 1, regardless of content, before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to the presenting them during the hearing.

20. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

21. To efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Black Hills/Rocky Mountain are assigned hearing exhibit numbers 100 to 199;
- UCA is assigned hearing exhibit numbers 200 to 299; and
- Staff is assigned hearing exhibit numbers 300-399.

22. The parties are advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties to be familiar with and to comply with these rules. The rules are available on the Commission's website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

IV. ORDER

A. It is Ordered That:

1. The ALJ acknowledged The Office of Utility Consumer Advocate’s (“UCA”) intervention of right.

2. The ALJ acknowledges Trial Staff of the Commission’s (“Staff”) intervention of right.

3. The following procedural schedule governs this proceeding:

Procedural Activity	Date
Answer Testimony	April 10, 2025
Rebuttal and Cross-Answer Testimony	May 5, 2025
Pre-Hearing Motions	May 12, 2025
Corrections to Pre-Filed Testimony and Exhibits	May 12, 2025
Stipulations/Settlement Agreements	May 14, 2025
Settlement Testimony	May 16, 2025
Responses to Pre-Hearing Motions	May 16, 2025
Exchange Exhibit and Witness Lists and provide copies of exhibits	May 19, 2025
Cross-Examination Matrix	May 19, 2025
Virtual Hearing Date	May 22-23, 2025
Statements of Position	Tbd

4. The parties should number their exhibits as follows:

- Joint Applicants Black Hills Colorado Gas, Inc. and Rocky Mountain Natural Gas LLC are assigned hearing exhibit numbers 100 to 199;
- UCA is assigned hearing exhibit numbers 200 to 299; and

- Staff is assigned hearing exhibit numbers 300-399.
5. A remote hearing is scheduled as follows:
- DATE: **May 22-23, 2025**
- TIME: 9:00 a.m. daily
- WEBCAST: Commission Hearing Room
- METHOD: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge OR Commission Staff⁶
6. Nobody should attend the hearing in person at the Commission's offices.
7. This decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director

⁶ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.