

Decision No. R03-0043-I

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

DOCKET NO. 02A-522G

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IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN NATURAL GAS  
COMPANY FOR AN ORDER APPROVING GAS COST ADJUSTMENT AND TARIFF  
CHANGES TO BECOME EFFECTIVE 11-1-02.

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DOCKET NO. 02A-524G

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IN THE MATTER OF THE APPLICATION OF KINDER MORGAN, INC. FOR AN ORDER  
APPROVING GAS COST ADJUSTMENT AND TARIFF CHANGES TO BECOME  
EFFECTIVE NOVEMBER 1, 2002.

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DOCKET NO. 02I-620G

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IN THE MATTER OF RATES PROPOSED BY ROCKY MOUNTAIN NATURAL GAS  
COMPANY IN ADVICE LETTER NO. 49.

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DOCKET NO. 02I-621G

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IN THE MATTER OF RATES PROPOSED BY KINDER MORGAN, INC., IN ADVICE  
LETTER NO. 192.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
ESTABLISHING PROCEDURAL  
SCHEDULE, SETTING HEARING  
DATES, AND UNSEALING  
SETTLEMENT AGREEMENT**

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Mailed Date: January 10, 2003

**I. STATEMENT**

1. On January 9, 2003, the undersigned Administrative Law Judge (ALJ) held a prehearing conference in the consolidated captioned dockets. *See* Decision No. R02-1429-I. All parties were present and represented.

2. At the prehearing conference, Applicants Kinder Morgan, Inc., and Rocky Mountain Natural Gas Company (collectively, Applicants) proposed a procedural schedule<sup>1</sup> and hearing dates. The parties had discussed the proposed schedule prior to the prehearing conference. There was general agreement with Applicants' proposal. Refinements and clarifications occurred during the prehearing conference.

3. The following procedural schedule and hearing dates will be adopted for this proceeding: (a) Applicants will file corrections to their direct testimony and exhibits<sup>2</sup> by February 10, 2003; on the same day Applicants also will file a list of the Commission rules which they ask the Commission to waive; (b) Intervenor will file their answer testimony and exhibits by April 11, 2003; (c) Intervenor will file corrections to their answer testimony and exhibits by April 21, 2003; (d) Applicants will file their rebuttal testimony and exhibits by May 30, 2003; (e) Intervenor will file their cross-answer testimony and exhibits<sup>3</sup> by May 30, 2003; (f) Applicants will file corrections to their rebuttal testimony and exhibits on June 6, 2003; (g) Intervenor will file corrections to their cross-answer testimony and exhibits on June 6, 2003;

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<sup>1</sup> On October 24, 2002, Applicants filed a letter with the Commission formally waiving the time limits of § 40-6-109.5, C.R.S. Applicants filed this letter in each of the four consolidated dockets.

<sup>2</sup> The direct testimony and exhibits filed on September 30, 2002, in Dockets No. 02A-522G and No. 02A-524G are Applicants' direct testimony and exhibits in this consolidated proceeding.

<sup>3</sup> Cross-answer testimony may address, and respond to, *only* the answer testimony filed by other intervenors.

(h) all prehearing motions will be filed by June 6, 2003; (i) a final prehearing conference will be held on June 16, 2003;<sup>4</sup> (j) hearing will be held on June 23 through 27, 2003, and July 9 through 11, 2003; (k) Applicants will file their opening post-hearing briefs and statements of position on July 30, 2003; (l) Intervenors will file their answer post-hearing briefs and statements of position on August 15, 2003; and (m) Applicants will file their reply briefs on August 29, 2003.

4. On the day a party files its testimony and exhibits with the Commission, the party will also file its testimony and exhibits electronically (either on a 3.5" diskette in MS Word or MS Excel format or on a CD ROM in MS Word or MS Excel format).

5. On the day they are filed with the Commission, all pleadings and other filings (except testimony, which is addressed separately) will be served by hand-delivery or by electronic service.

6. On the day they are filed with the Commission, testimony and exhibits and corrected testimony and exhibits will be served by hand-delivery and, if possible, electronically.

7. Counsel have agreed to cooperate with one another by, upon request, using electronic mail or facsimile (to the extent possible) to facilitate service.

8. Rule 77 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, will govern discovery with these modifications: (a) the time within which to file a written response to a motion to compel will be five business days; and (b) response to a motion to compel may be made orally. Argument on, and ruling on, a motion to compel may occur by telephone.

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<sup>4</sup> The areas to be discussed at this prehearing conference are outlined *infra*.

9. Copies of all discovery requests and responses must be served on all counsel. Discovery requests and responses are not to be filed with the Commission and are not to be served on the Commission advisors (including Commission counsel) identified by Staff of the Commission (Staff) in the Rule 9(d) Notice filed by Staff in these dockets.

10. The response time to audit propounded by Staff will be seven calendar days.

11. With the exception of motions to compel, discussed *supra*, the response time to motions will be ten calendar days.

12. The issue of the length of the post-hearing briefs is reserved for discussion at the conclusion of the evidentiary hearing. If it wishes to do so, a party may submit proposed findings of fact with its post-hearing brief and statement of position.

13. Appendix C to the Application filed by Rocky Mountain Natural Gas Company is the February 8, 2002, settlement agreement entered into by and between Rocky Mountain Natural Gas Company; Kinder Morgan, Inc.; and Jack J. Grynberg (Signatories). In accordance with ¶ XI.B of that settlement agreement, Rocky Mountain Natural Gas Company filed Appendix C as confidential and under seal when it filed its Application. By agreement of the Signatories, Appendix C to the Application filed by Rocky Mountain Natural Gas Company will no longer be treated as confidential. Appendix C to the Application filed by Rocky Mountain Natural Gas Company will be placed in the public files of the Commission. All other portions of the Application filed by Rocky Mountain Natural Gas Company which were filed as confidential and under seal will remain confidential and under seal until further order of the Commission.

14. Parties should be aware that, with respect to any stipulation reached, parties are to provide, at the time the stipulation is filed and in addition to the hard copy required to be filed,

an electronic version (on a 3.5" diskette in MS Word or MS Excel format) of the stipulation and of all attachments or exhibits.

15. Parties are advised to be familiar with Rule 16 of the Rules of Practice and Procedure, which governs the treatment of confidential materials in proceedings before the Commission.

16. Parties are reminded of Rule 22(d)(3) of the Rules of Practice and Procedure, which states: "If a pleading refers to new court cases or other authorities not readily available to the Commission, six copies of each case or other authority shall be filed with the pleading." If a party wishes the ALJ to consider a cited authority *other than* an opinion of the United States Supreme Court, a reported Colorado state court opinion, or a Commission decision, the party must provide copies of, or a website address for, that cited authority.

17. With respect to documentary evidence offered during hearing, parties are advised to be familiar with the requirements of Rule 84(a) of the Rules of Practice and Procedure.

18. Parties should be prepared to discuss the following at the prehearing conference scheduled for June 16, 2003: (a) order of witnesses, (b) order of cross-examination, (c) marking exhibits, (d) possible simplification of issues, and (e) admissions and stipulations which the parties may have agreed to or reached. In addition, parties should be prepared to argue any pending motions.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The procedural schedule discussed above is adopted.

2. A prehearing conference shall be held in this matter at the following time and date:

DATE: June 16, 2003  
TIME: 9:00 a.m.  
PLACE: Commission Hearing Room  
1580 Logan Street, OL-2  
Denver, Colorado

3. Hearings shall be conducted in this matter at the following time and date:

DATE: June 23 through 27, 2003 and July 9 through 11, 2003  
TIME: 9:00 a.m.  
PLACE: Commission Hearing Room  
1580 Logan Street, OL-2  
Denver, Colorado

4. The parties shall follow the procedures and shall make the filings set forth above.

5. Appendix C to the Application filed by Rocky Mountain Natural Gas Company in Docket No. 02A-522G is no longer to be treated as confidential. Appendix C to the Application filed by Rocky Mountain Natural Gas Company in Docket No. 02A-522G is to be placed in the public files of the Commission.

6. This Order shall be effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "Bruce N. Smith".

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

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