

Decision No. R03-0126-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00D-261G

RE: IN THE MATTER OF THE PETITION OF K N WATTENBERG TRANSMISSION LIMITED LIABILITY COMPANY FOR A DECLARATORY ORDER THAT THE PUBLIC UTILITIES COMMISSION HAS NO JURISDICTION OVER ITS DELIVERY LATERAL WHICH INTERCONNECTS WITH THE TRANSMISSION LINE OF COLORADO INTERSTATE GAS COMPANY AND IS USED ONLY TO DELIVER GAS TO TWO INDUSTRIAL USERS FOR WHOM THE LATERAL WAS BUILT.

DOCKET NO. 00A-635G

IN THE MATTER OF THE APPLICATION OF K N WATTENBERG TRANSMISSION LIMITED LIABILITY COMPANY FOR SUCH AUTHORITY AS MAY BE NECESSARY FOR THE COMMISSION TO ASSUME THE EXERCISE OF REGULATORY SUPERVISION OVER THE TRANSPORTATION OF INTERSTATE GAS THROUGH A FIVE-MILE LATERAL FROM AN INTERCONNECTION WITH THE TRANSMISSION PIPELINE OF COLORADO INTERSTATE GAS COMPANY TO TWO INDUSTRIAL CUSTOMERS LOCATED IN THE CITY OF FT. MORGAN, COLORADO.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
SETTING PROCEDURES AND HEARING**

Mailed Date: February 3, 2003

I. STATEMENT

1. In accordance with Decision No. R03-0044-I, January 10, 2003, a prehearing conference was held on January 30, 2003 at 9:00 a.m. in a Commission hearing room in Denver, Colorado. A procedural schedule was discussed and a hearing date selected which is set forth in the Order below.

2. The scope of the hearing was discussed. Decision No. C02-1224 set forth the scope of the remand as to whether the City of Fort Morgan was unwilling or unable to provide adequate service to Leprino Foods Company (Leprino) and Excel Corporation (Excel). This includes the significance to Leprino and Excel of not having firm transportation (if in fact it was not available) and whether the differences between firm and interruptible service are significant enough to justify a finding of inadequate service. In addition, the Administrative Law Judge (ALJ) determined at the prehearing conference that the scope of the remand would also include whether the rates charged or proposed to be charged by the City of Fort Morgan were so high as to be tantamount to a denial of adequate service.

3. The ALJ also clarified that the remand is essentially an application proceeding by Applicant K N Wattenberg Transmission Limited Liability Company (K N Wattenberg), and it controls the course of these proceedings. Leprino and Excel will not be given an opportunity to put on additional testimony beyond that proffered by K N Wattenberg.

4. Certain other procedural modifications were made which are set forth in the order below.

II. ORDER

A. It Is Ordered That:

1. The hearing in this matter is scheduled as follows:

DATES: June 3 and 4, 2003
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

2. K N Wattenberg Transmission Limited Liability Company shall file its exhibits and testimony in question-and-answer format, by March 7, 2003. Intervenor shall file their exhibits and testimony, in question-and-answer format, by April 10, 2003. Rebuttal and cross-answer testimony shall be filed by May 2, 2003. Testimony shall include citations to the record if relied on by the party.

3. Response time to any discovery motion shall be three business days. Response time to all other motions shall be seven days. The parties shall attempt electronic service of all pleadings and testimony, but if it is not received, the party making the filing shall be responsible for serving a hard copy.

4. This Order is effective immediately.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KEN F. KIRKPATRICK

Administrative Law Judge



ATTEST: A TRUE COPY

Bruce N. Smith
Director