

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04R-003EG

IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF RULES
REGULATING COST ASSIGNMENT AND ALLOCATION FOR GAS AND ELECTRIC
UTILITIES, AS FOUND IN 4 CCR 723-47.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
ESTABLISHING PROCEDURAL SCHEDULE
AND SCHEDULING ADDITIONAL HEARINGS**

Mailed Date: April 16, 2004

I. STATEMENT

1. The captioned proceeding was initiated on January 15, 2004, through the issuance of a Notice of Proposed Rulemaking (NOPR) by the Colorado Public Utilities Commission (Commission). *See*, Decision No. C04-0008. Proposed rules applicable to this rulemaking proceeding were appended to the NOPR as Attachments B and C. The NOPR was published in *The Colorado Register* on February 10, 2004.

2. The NOPR established hearing dates of April 15 and 16, 2004, and invited interested persons to participate in the rulemaking by submission of written comments and/or by presentation of oral comments. It requested that initial written comments be submitted on or before March 26, 2004, and that written reply comments be submitted on or before April 5, 2004.¹

¹ Initial written comments were filed by Aquila, Inc. on April 14, 2004, and by Kinder Morgan, Inc., and Rocky Mountain Natural Gas Company on April 15, 2004.

3. The undersigned Administrative Law Judge (ALJ) held hearings on the proposed rules at the assigned time and place. A representative of the Commission's Staff provided an overview and summary of the rules. Two representatives of Public Service Company of Colorado (PSCo) presented oral comments. These representatives sponsored five exhibits, marked for identification purposes as Exhibits 1 through 5. Legal counsel appearing on behalf of PSCo, Aquila, Inc., Kinder Morgan, Inc., Rocky Mountain Natural Gas Company, and the Colorado Business Alliance presented additional comments and/or argument.

4. During the course of the hearings the ALJ scheduled additional hearing dates and established a procedural schedule affording participants an opportunity to submit proposed rule changes, written comments (new or supplemental), and responses to those comments. This is consistent with the Commission's goal of coordinating this proceeding with other pending rulemaking proceedings. *See*, Decision No. C04-0008, Section I, Paragraph 10. The additional hearing dates and procedural schedule so established are set forth below and are adopted by this Order.

A. Procedural Schedule

5. On or before May 21, 2004, any person wishing to do so may file suggested modifications to the proposed rules. The suggested modifications must be in legislative drafting (*i.e.*, red-lined) format. On or before June 18, 2004, any person wishing to do so may file new or supplemental comments addressing the proposed rules. Responses to such comments must be filed on or before July 23, 2004. These final written comments, taken in conjunction with any previously submitted comments and suggested modifications to the proposed rules, should constitute a complete presentation of the submitter's views on the proposed rules.

B. Additional Hearing Dates and Procedures at Hearing

6. Additional hearings will be held in this matter on August 11 and 12, 2004. Interested persons will have an opportunity to make oral presentations. Any person who raises a technical issue, or who suggests a technical change to a proposed rule, must present a witness prepared to answer questions that may arise about the technical issue or change. Persons attending the hearing will have an opportunity to ask questions of any person making a presentation at the hearing. Participants are encouraged to have subject matter experts available at the hearing to respond to questions.

7. The ALJ expects that participants will have developed and presented their positions in the written submissions and will not be raising new issues at the hearing. This will result in a more efficient hearing and a clearer record.

8. Each person making a filing in this matter is requested to serve a copy of that filing, in hard copy and electronically, on all other participants.

II. ORDER**A. It Is Ordered That:**

1. The procedures and procedural schedule detailed in Section I above is adopted.
2. Additional hearings shall be conducted in this matter at the following time and dates:

DATES: August 11 and 12, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL-2
Denver, Colorado

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge