

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

DOCKET NO. 03R-520G

---

IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF ALL RULES  
REGULATING GAS UTILITIES, AS FOUND IN 4 CCR 723-4, 8, 10, 11, 17, AND 32.

---

**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
GRANTING UNOPPOSED MOTION,  
SCHEDULING ADDITIONAL HEARING  
DATES, AND WAIVING RESPONSE TIME**

---

---

Mailed Date: July 9, 2004

**I. STATEMENT**

1. On December 15, 2003, the Public Utilities Commission issued the Notice of Proposed Rulemaking which commenced this docket. *See* Decision No. C03-1371. Appended to that Order as Attachment B were proposed rules. That Order established hearing dates of March 10 and 11, 2004, and invited interested persons to participate in the rulemaking by submission of written comments and/or by presentation of oral comments.

2. At the time and place announced, the undersigned Administrative Law Judge (ALJ) held a hearing on the proposed rules. Twelve individuals<sup>1</sup> made oral presentations. In

---

<sup>1</sup> The individuals represented Aquila, Inc.; the Colorado Office of Consumer Counsel; Energy Outreach Colorado; Kerr-McGee Gathering, LLC; Kinder Morgan, Inc., and Rocky Mountain Natural Gas Company; and Public Service Company of Colorado. (Collectively, these are the “active participants” in this rulemaking proceeding.) In addition, Staff of the Commission made a presentation on the procedural history of the proposed rules.

addition, the Commission received written comments from five organizations<sup>2</sup> in advance of the hearing.

3. Several participants requested both additional hearings and further opportunity to submit written comments. By Decision No. R04-0305-I the ALJ granted those requests, established a procedural schedule, and scheduled additional hearing dates.

4. The next scheduled hearing dates are July 19 and 20, 2004. These dates, which have been announced and published in the *Colorado Register*, will be preserved; and the procedures set out in Decision No. R04-0305-I at ¶ 5 will apply to those hearing dates.

5. On July 6, 2004, Public Service Company of Colorado (PSCo) filed a Motion to Set Additional Hearing Dates (Motion) and Request for Shortened Response Time. In the Motion PSCo stated that both its counsel and the counsel representing several other active participants would be unavailable on the scheduled July dates due to a concurrent legal conference being held by the American Gas Association and other conflicts. PSCo further stated that it had contacted all active participants and that they are available for hearings on August 5 and 16, 2004. PSCo proposed that the August 5, 2004 hearing address comments on customer issues and that comments on other issues *either* begin on August 5, 2004 following the customer issues and continue to August 16, 2004 *or* be heard entirely on August 16, 2004. PSCo represents that this schedule is acceptable to the active participants and that no active participant opposes the proposed procedural modifications.

---

<sup>2</sup> The organizations are Aquila, Inc.; the Colorado Office of Consumer Counsel; Energy Outreach Colorado; Kinder Morgan, Inc., and Rocky Mountain Natural Gas Company; and Public Service Company of Colorado. Each of these organizations is an active participant in this proceeding.

6. The Motion states good cause, and granting the Motion will not prejudice any active participant. In addition, granting the Motion will assure a better record in this rulemaking proceeding and, thus, will serve the public interest. The Motion will be granted.

7. *Two additional hearing dates and applicable procedures:* Two days of hearings will be added in this rulemaking proceeding: August 5 and 16, 2004. Comments on **customer issues** (for example, billing, customer deposits, discontinuance of service) will be heard on August 5, 2004. Comments on **all other issues** will be heard on August 16, 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 which 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 requested to have subject matter experts available at the hearing to respond to questions.

8. The ALJ expects that participants will have developed and presented their positions in written submissions and will not raise new issues for the first time at the hearing. Having questions, issues, suggested language changes, and positions known in advance of the hearing will allow participants to be prepared to discuss these matters at the hearing. This process will foster better understanding of positions and should result in a better record in this proceeding.

9. PSCo represents that no active participant opposes the Motion. As a result, PSCo asks for a waiver of response time or shortened response time. The request to waive response will be granted; and response time to the Motion will be waived.

## **II. ORDER**

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

1. The July 19 and 20, 2004, hearings will be held as scheduled.
2. The Motion to Set Additional Hearing Dates is granted.
3. Additional hearings shall be conducted in this matter at the following time and

dates:

DATES: August 5 and 16, 2004

TIME: 9:00 a.m.

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

4. Customer issues will be addressed on August 5, 2004. All other issues will be addressed on August 16, 2004.

5. Participants shall follow the procedures set out above.

6. The Request for Shortened Response Time, insofar as it seeks a waiver of response time, is granted.

7. Response time to the Motion to Set Additional Hearing Dates is waived.

8. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

---

Administrative Law Judge