

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
MODIFYING PROCEDURAL SCHEDULE
AND SCHEDULING ADDITIONAL HEARINGS**

Mailed Date: August 12, 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 (Rules). The NOPR was published in *The Colorado Register* on February 10, 2004.

2. Initial written comments were filed in this matter by Aquila, Inc. (Aquila), on April 14, 2004, and by Kinder Morgan, Inc., and Rocky Mountain Natural Gas Company (Kinder Morgan) on April 15, 2004.

3. Hearings were conducted on April 15 and 16, 2004, the hearing dates initially established by the NOPR. During the course of those hearings additional hearing dates were scheduled for August 11 and 12, 2004, and a procedural schedule affording participants an

opportunity to submit proposed rule changes, written comments (new or supplemental), and responses to those comments was established. *See* Decision No. R04-0398-I.¹

4. On May 21, 2004, Kinder Morgan submitted its proposed changes to the Rules in red-lined format. On July 23, 2004, the Colorado Business Alliance for Cooperative Utility Practices (CBA) submitted its Reply Comments. On August 9, 2004, Aquila submitted its Supplemental Comments, and on August 10, 2004, Public Service Company of Colorado (PSCo) submitted its Initial Comments.

5. Additional hearings on the Rules were held on August 11 and 12, 2004, at the assigned time and place. Participants at the August 11, 2004, hearing included representatives or legal counsel appearing on behalf of Aquila, Kinder Morgan, PSCo, CBA, the Colorado Office of Consumer Counsel, and the Commission's Advisory Staff. Legal counsel for Aquila presented an oral summary of the Supplemental Comments filed by that entity. Participants were afforded an opportunity to question each other concerning the comments they submitted in connection with the Rules. No participant appeared at the August 12, 2004, hearing.

6. During the course of the August 11 and 12, 2004, hearings the administrative law judge (ALJ) scheduled additional hearing dates on October 26 and 27, 2004. 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 ALJ also modified the procedural schedule so as to afford participants an opportunity to respond to the Supplemental Comments filed by Aquila and the Initial Comments filed by PSCo. The additional hearing dates

¹ Decision No. R04-0398-I also identifies the participants who presented oral comments at the April hearings and the exhibits sponsored by those participants.

and the modification to the procedural schedule so established are set forth below and are adopted by this Order.

A. Modification to Procedural Schedule

7. On or before September 24, 2004, any person wishing to do so may file a response to the Supplemental Comments submitted by Aquila on August 9, 2004, and the Initial Comments filed by PSCo on August 10, 2004.

B. Additional Hearing Dates and Procedures at Hearing

8. Additional hearings will be held in this matter on October 26 and 27, 2004. Interested persons will have an opportunity to make oral presentations. Any person who raises a technical issue, or who suggests technical changes to the Rules, 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.

9. 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 modification to procedural schedule detailed in Section I above are adopted.

2. Additional hearings shall be conducted in this matter at the following time and dates:

DATES: October 26 and 27, 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