

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

DOCKET NO. 04R-003EG

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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.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
DALE E. ISLEY  
MODIFYING PROCEDURAL SCHEDULE  
AND SCHEDULING FINAL HEARING**

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Mailed Date: November 5, 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. *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. Various written comments and/or proposed rule changes have been filed in this matter by Aquila, Inc., Kinder Morgan, Inc., and Rocky Mountain Natural Gas Company, the Colorado Business Alliance for Cooperative Utility Practices (Colorado Business Alliance), and Public Service Company of Colorado.<sup>1</sup>

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<sup>1</sup> These parties may be collectively referred to herein as the "Active Parties."

3. Hearings were conducted on April 15 and 16, 2004, August 11 and 12, 2004, and October 26 and 27, 2004. *See* Decision Nos. C04-0008, R04-0398-I, and R04-0950-I. Various parties submitted oral comments during the course of these hearings.

4. On October 25, 2004, the Colorado Business Alliance filed a pleading entitled “Status Report on Efforts of the Active Parties to Reach Consensus” (Status Report) in this matter on behalf of the Active Parties. The Status Report indicates that the Active Parties are attempting to reach a consensus concerning the content of some or all of the rules proposed in this proceeding. It requests that the Active Parties be given additional time to file a report setting forth their consensus or partial consensus concerning the content of some or all of the Rules.

5. At the hearings held in this matter on October 26 and 27, 2004, the administrative law judge established a deadline for the submission of a final Status Report, established a deadline for the submission of final written comments, established a deadline for the submission of final written comments addressing the Status Report, and scheduled a final hearing date, all as set in the Order that follows.<sup>2</sup>

## **II. ORDER**

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

1. The Active Parties shall file their final Status Report in this matter on or before January 25, 2005.

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<sup>2</sup> Scheduling a final hearing in this matter 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. In view of the numerous hearings already held in this proceeding, the administrative law judge deems it unnecessary to afford interested persons the opportunity to make oral presentations at the final hearing. *See* § 24-4-103(4)(a), C.R.S. Therefore, the participants and the public are advised that, absent further order based on a finding that extraordinary circumstances exist, no person will be permitted to make an oral presentation at the final hearing.

2. On or before January 25, 2005, any participant who wishes to do so may file written corrections and/or clarifications to previously filed comments and may file additional, and final, comments on the proposed rules or on the comments of another participant. These final written comments, taken in conjunction with any previously filed written or oral comments and/or suggested rule changes, should be a complete presentation of the participant's views on the proposed rules.

3. On or before February 1, 2005, any participant who wishes to do so may file written comments addressing the Status Report.

4. A final hearing shall be held in this matter at the following time and date:

DATE: March 15, 2005

TIME: 1:00 p.m.

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

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge

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