

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

PROCEEDING NO. 19AL-0075G

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IN THE MATTER OF ADVICE LETTER NO. 1 FILED BY BLACK HILLS COLORADO GAS, INC. TO PLACE IN EFFECT ITS NEW P.U.C. VOLUME NO. 1 TARIFF ESTABLISHING NEW RATE SCHEDULES AND BASE RATES FOR ALL NATURAL GAS SALES AND TRANSPORTATION SERVICES, INCREASING JURISDICTIONAL BASE RATE REVENUES, COMBINING EXISTING GAS COST ADJUSTMENT (“GCA”) AREAS INTO NEW GCA REGIONS, IMPLEMENTING A DISTRIBUTION SYSTEM INTEGRITY RIDER, REVISING THE CONSTRUCTION ALLOWANCE CALCULATION METHOD, AND OTHER PROPOSED TARIFF CHANGES TO REPLACE AND SUPERSEDE ITS P.U.C. VOLUME NO. 3 TARIFF (FORMERLY BLACK HILLS/COLORADO GAS UTILITY COMPANY, INC.) AND P.U.C. VOLUME NO. 7 TARIFF (FORMERLY BLACK HILLS GAS DISTRIBUTION, LLC) IN THEIR ENTIRETY, TO BECOME EFFECTIVE ON MARCH 4, 2019.

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**INTERIM DECISION GRANTING MOTION TO FILE  
EXCEPTIONS IN EXCESS OF 30 PAGES,  
DENYING MOTION FOR ORAL ARGUMENT,  
EXTENDING DEADLINE TO FILE RESPONSES  
TO EXCEPTIONS, AND SETTING PAGE  
LIMIT FOR EXCEPTIONS AND RESPONSES**

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Mailed Date: January 17, 2020

Adopted Date: January 8, 2020

**TABLE OF CONTENTS**

I.	BY THE COMMISSION .....	2
A.	Statement .....	2
B.	Discussion.....	2
C.	Black Hills’ Requests for Relief.....	3
D.	Conclusions and Findings.....	4
II.	ORDER.....	5
A.	It Is Ordered That: .....	5
B.	ADOPTED IN COMMISSIONERS’ WEEKLY MEETING January 8, 2020.....	6

**I. BY THE COMMISSION****A. Statement**

1. This Decision addresses the Motion for Variance Allowing Enlargement of Page Limitation for Exceptions to Decision No. R19-1033 and for Oral Argument on Exceptions to Decision No. R19-1033 (Motion) filed by Black Hills Colorado Gas, Inc., doing business as Black Hills Energy (Black Hills or the Company), on January 3, 2020.

2. Exceptions filed by any party shall be no more than 60 pages in length.

3. On our own motion, we extend the deadline for filing of responses to exceptions. Responses shall be filed no later than January 30, 2020. Responses to exceptions shall be no more than 60 pages in length.

4. We deny the Company's request for oral argument.

**B. Discussion**

5. On February 1, 2019, Black Hills filed Advice Letter No. 1 with supporting attachments and pre-filed testimony. The proposed effective date of the tariffs filed with Advice Letter No. 1 was March 4, 2019.

6. By Decision No. C19-0194, issued February 22, 2019, the Commission set for hearing the tariffs filed under Advice Letter No. 1 and suspended their effective date for 120 days pursuant to § 40-6-111(1), C.R.S. The Commission also referred the matter to an Administrative Law Judge (ALJ).

7. By Decision No. R19-0265-I, issued March 21, 2019, the ALJ extended the suspension of the effective date of the tariffs filed under Advice Letter No. 1 an additional 90 days pursuant to § 40-6-111(1), C.R.S.

8. On April 24, 2019, Black Hills filed an Amended Advice Letter No. 1, extending the effective date of the tariff sheets to April 5, 2019.

9. On May 13, 2019, Black Hills filed a Second Amended Advice Letter No. 1, extending the effective date of the tariff sheets to May 5, 2019.

10. On June 14, 2019, Black Hills filed a Third Amended Advice Letter No. 1 extending the effective date of the tariff sheets to May 25, 2019.

11. On October 3, 2019, Black Hills filed a Fourth Amended Advice Letter No. 1 extending the effective date of the tariff sheets to June 25, 2019.

12. By Decision No. R19-0831-I, issued October 9, 2019, the ALJ extended the suspension of the effective date of the tariffs filed under Advice Letter No. 1 an additional 39 days pursuant to § 40-6-111(1), C.R.S. The statutory suspension period thus extends through February 29, 2020.

13. On December 27, 2019, the ALJ issued Decision No. R19-1033 permanently suspending the tariff sheets filed under Advice Letter No. 1 and establishing new rates to be implemented if the recommended decision becomes the decision of the Commission pursuant to § 40-6-109, C.R.S. Decision No. R19-1033 further shortened response time to exceptions to seven days.

14. On January 3, 2020, Black Hills filed its Motion. Black Hills requested a shortened response time to the Motion of four days.

### **C. Black Hills' Requests for Relief**

15. In its Motion, Black Hills argues that the page limitation under Rule 1202(c) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 should be extended for the Company's filing of exceptions to Decision No. R19-1033 to at

least 60 pages. Black Hills states the additional pages are required “[a]s a result of the number and breadth of important legal, policy and factual issues that must be presented to the Commission for the first time through exceptions to the Recommended Decision.”<sup>1</sup>

16. Black Hills goes on to argue that, “in order to assist the Commission in its deliberative processes as contemplated by Rule 1505(c), oral argument should be scheduled to allow for a summary presentation by parties filing exceptions of their arguments and to allow for direct questioning by the Commissioners.”<sup>2</sup>

17. Black Hills does not request additional time to file its exceptions. Section 40-6-109, C.R.S., requires exceptions to Decision No. R19-1033 to be filed no later than January 16, 2020.

18. Responses to the Motion were filed by Staff of the Colorado Public Utilities Commission (Staff) and the Colorado Office of Consumer Counsel (OCC) on January 7, 2020. Both Staff and the OCC oppose the granting of longer exceptions, arguing that Black Hills failed to show good cause to support the longer filings. Both also argue that it is premature for the Commission to determine whether oral argument is needed regarding the yet-to-be-filed exceptions.

#### **D. Conclusions and Findings**

19. We grant Black Hills’ request to shorten response time to the Motion to four days.

20. We find good cause to grant Black Hills’ request for filing exceptions longer than the 30 pages limit in Rule 1202(c).

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<sup>1</sup> Motion at ¶ 7.

<sup>2</sup> *Id.*

21. Exceptions to Decision No. R19-1033 filed by any party shall not exceed 60 pages in length. Exceptions shall be filed no later than January 16, 2020 pursuant to § 40-6-109, C.R.S.

22. Given the extra pages allowed for exceptions and the scope of the exceptions Black Hills expects to file, we extend, on our own motion, the deadline for the filing of responses from the 7 days set by Decision No. R19-1033 to 14 days. Responses to exceptions to Decision No. R19-1033 shall be filed no later than January 30, 2020.

23. We deny Black Hills' request for oral argument at this time. The request is premature since the Commission has not had the benefit of reviewing the exceptions to Decision No. R19-1033. Black Hills may request oral argument in its exceptions or by another pleading consistent with the Commission's Rules of Practice and Procedure.

## **II. ORDER**

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

1. The Motion for Variance Allowing Enlargement of Page Limitation for Exceptions to Decision No. R19-1033 and for Oral Argument on Exceptions to Decision No. R19-1033 filed by Black Hills Colorado Gas, Inc. (Black Hills) on January 3, 2020 is granted, in part, and denied, in part, consistent with the discussion above. Response time to the motion is shortened to four days.

2. Exceptions to Decision No. R19-1033 filed by any party shall be no more than 60 pages in length.

3. Responses to exceptions shall be filed no later than January 30, 2020, consistent with the discussion above

4. Responses to exceptions shall be no more than 60 pages in length.

5. Black Hills' request for oral argument is denied.
6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
January 8, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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FRANCES A. KONCILJA

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JOHN GAVAN

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Commissioners