

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0133G

IN THE MATTER OF THE PETITION OF COLORADO NATURAL GAS, INC. FOR AN ORDER GRANTING A WAIVER OR VARIANCE FROM RULES 4407 AND 4408 OF THE COMMISSION'S RULES REGULATING GAS UTILITIES AND PIPELINE OPERATORS, 4 CCR 723-4-4407 AND 4 CCR 723-4-4408, RULES 1206(D) AND 1403 OF THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE, 4 CCR 723-1-1206(D) AND 4 CCR 723-1-1403 AND FROM CNG TARIFF REQUIREMENTS.

**COMMISSION DECISION GRANTING
PETITION FOR A WAIVER OF RULES AND TARIFF**

Mailed Date: April 7, 2020

Adopted Date: April 1, 2020

I. BY THE COMMISSION

A. Statement, Findings, Conclusion

1. On March 30, 2020, Colorado Natural Gas, Inc. (CNG or the Company), filed a Petition requesting a waiver of Commission's Rules 4 *Code of Colorado Regulations* (CCR) 723-4-4408 of the Rules Regulating Gas Utilities and Pipeline Operators (Rule 4408) and CNG Tariff Sheet No. 17 relating to reconnection of service charges, 4 CCR 723-4-4407 (Rule 4407), and CNG's Tariff Sheet No. S12 relating to discontinuance of service due to nonpayment, and CNG's Tariff Sheet No. 12 and Sheet No. T20 relating to the collection of late payment charges.

2. Additionally, CNG requests that the Commission waive its intervention and notice period set forth in Commission Rule 4 CCR 723-1-1206(d) (Rule 1206(d)) of the Rules of Practice and Procedure and, if the Petition is uncontested or unopposed, that the Commission approve the Petition without a hearing pursuant to Commission Rule 4 CCR 723-1-1403.

3. Through its Petition, CNG explains that the novel coronavirus pandemic (COVID-19) has created financial hardships for an increasing number of CNG customers. As part of its efforts to provide safe and reliable service to its customers affected by the pandemic, CNG therefore seeks a temporary waiver to discontinue: (1) any disconnection activities due to non-payment; (2) collection of any late payment fees; and (3) collection of any reconnection charges.

4. On March 20, 2020, Colorado Governor Jared Polis declared a state of emergency over COVID-19. Subsequently, on March 20, 2020, the Governor's Order D 2020 012, directs the PUC as follows, in pertinent part through Subsection III:

- A. I direct the [PUC], within [the Department of Regulatory Agencies], to work with all public utilities in the State to suspend service disconnections for delayed or missed payments from residential and small business consumers related to the impacts of COVID-19.
- B. I further direct the PUC to work with all public utilities to waive reconnection fees and suspend accrual of late payment fees for all residential customers and small business consumers most significantly burdened by the impacts of COVID-19 as well as to make reasonable efforts to reinstate service for those customers currently disconnected for nonpayment or arrearage related to the impacts of COVID-19.

5. The impacts of COVID-19 create a unique and urgent set of circumstances affecting the public interest. Therefore, we find good cause to consider the motion expeditiously. In these rare and specific circumstances, a waiver of the Commission's notice and intervention period provided in Rule 1206(d) is appropriate.

6. The portions of its Tariff that CNG has identified, particularly Sheet No. 17 and Sheet No. 12, would require the Company to assess certain fees at this time, which are contrary to the public interest given the directives in the Governor's March 20, 2020 Order. In addition, Rule 4407 states within its provisions that a utility shall discontinue the service of a customer for

any reason, with certain exceptions, including nonpayment of regulated charges.¹ Rule 4408 provides correlating notice provisions for discontinuance of service.

7. Considering the Petition and directives in the Governor's March 20, 2020 Order, we find good cause to grant a waiver of the tariff provisions, and corresponding Rules 4407 and 4408, as requested, regarding the tariff provisions and rules requiring disconnection activities due to nonpayment and collection of reconnection charges. For clarity, rule provisions permitting appropriate discontinuance of service for reasons other than those caused by nonpayment, including safety concerns,² and correlating customer notice required in those situations, remain in effect.

8. We find good cause to grant the Petition *nunc pro tunc* from March 20, 2020, the date of the Governor's Order through August 1, 2020, for the requested waivers. Extension of the requested waiver may be requested as appropriate given the unprecedented developments surrounding COVID-19.

II. **ORDER**

A. **The Commission Orders That:**

1. The Petition filed by Colorado Natural Gas, Inc. (CNG) for a Waiver of Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-4-4408 and CNG Tariff Sheet No. 17 relating to reconnection of service charges, 4 CCR 723- 4-4407 and CNG Tariff Sheet No. S12, relating to discontinuance of service due to nonpayment, and CNG's Tariff Sheet No. 12

¹ Rule 4407(a)(1).

² See, e.g., Rule 4407(a)(V).

and Sheet No. T20, relating to the collection of late payment charges, is granted, consistent with the discussion above, *nunc pro tunc*, from March 20, 2020, through August 1, 2020.

2. CNG's request filed within the Petition that the Commission waive its intervention and notice period set forth in Commission Rule 4 CCR 723-1-1206(d) is granted.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 1, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners