

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20AL-0220G

IN THE MATTER OF ADVICE LETTER NO. 107 FILED BY COLORADO NATURAL GAS, INC. TO RECOVER AN OVER REFUNDED AMOUNT FOLLOWING COLLECTIONS RELATED TO THE FEDERAL TAX CUTS AND JOBS ACT OF 2017 (TCJA) TO BECOME EFFECTIVE AUGUST 1, 2020.

**DECISION SUSPENDING EFFECTIVE
DATE OF TARIFF SHEETS AND REFERRING THE
MATTER TO AN ADMINISTRATIVE LAW JUDGE**

Mailed Date: July 9, 2020

Adopted Date: July 8, 2020

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE, CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. This Decision sets for hearing the tariffs filed by Colorado Natural Gas, Inc. (CNG) under Second Amended Advice Letter No. 107-Gas and suspends their effective date to November 29, 2020.

2. We refer the matter to an Administrative Law Judge (ALJ) for hearing.

3. A pleading to intervene in this matter may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding no later than 30 days after the mailing date of this Decision.

B. Discussion

4. On May 27, 2020, CNG filed Advice Letter No. 107-Gas with tariff sheets establishing a one-time non-volumetric charge to recover over-refunding in CNG's Tax Cut and Jobs Act Refund Plan (TCJA Refund Plan) implemented in 2018.

5. On May 29, 2020, CNG filed an Amended Advice Letter No. 107 correcting the Issue Date on the tariff pages.

6. On June 9, 2020, CNG filed a Second Amended Advice Letter No. 107.

7. CNG states that it over-refunded customers in its TCJA Refund Plan. CNG seeks to recover \$138,062 for the Mountain Division and \$9,125 for the Eastern Colorado Division.

8. CNG requests an August 1, 2020 effective date for the tariff sheets (Attachment A to this Decision).

9. On June 26, 2020, Staff filed a protest letter, requesting that the Commission reject the Second Amended Advice Letter No. 107, or suspend it and set it for hearing.

10. Staff states that CNG's TCJA Refund Plan did not include a provision for a true-up and that CNG is proposing multiple true-ups, having previously collected over-refunded amounts in 2019. Staff also states that CNG's customers are subject to economic stresses from the COVID-19 pandemic, so it is inappropriate for CNG to seek recovery of over-refunds at this time.

11. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariff pages for hearing which will suspend the effective date for 120 days from the proposed effective date. If no new tariffs are established by the Commission before the end of the 120-day suspension period, in this instance November 29, 2020, and if the Commission does not further suspend the effective date of the tariffs pursuant to § 40-6-111(1), C.R.S., the tariff pages filed by CNG may become effective.

12. Section 40-6-111(1), C.R.S., also provides that the Commission may, in its discretion, by a separate decision, suspend the effective date of the tariff page(s) for an additional 130 days. Thus, the Commission has the power and authority to suspend the effective date of the tariff pages for a maximum of 250 days. If the Commission further suspends the effective date of the tariff pages for an additional 130 days, and if no new tariffs are established by the Commission before the end of the suspension period, the tariff pages filed by CNG may become effective.

C. Conclusions and Findings

13. The Commission finds good cause to set for hearing the tariffs submitted with Second Amended Advice Letter No. 107-Gas.

14. The initial suspension period for the tariff pages submitted with Second Amended Advice Letter No. 107-Gas shall extend through November 29, 2020.

15. We refer this matter to an ALJ.

16. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this consolidated proceeding, as ordered below. The filing of any other document protesting the tariff pages shall not allow participation as an intervenor in this matter.

II. ORDER

A. The Commission Orders That:

1. The proposed effective date, August 1, 2020, of the tariff pages filed by Colorado Natural Gas, Inc. (CNG) with Second Amended Advice Letter No. 107-Gas in Proceeding No. 20AL-0220G is suspended until November 29, 2020, or until further order of the Commission.

2. This matter is referred to an Administrative Law Judge. The Administrative Law Judge shall set a hearing date, rule on interventions, and establish other procedures by separate decision(s), consistent with the discussion above.

3. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariff pages, who desire to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission within 30 days after the mailing date of this Decision and shall serve a copy of the notice or motion on Public Service’s attorney of record.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
July 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

JOHN GAVAN

MEGAN GILMAN

Commissioners