

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 TEMPORARY WAIVER**

Mailed Date: August 25, 2020
Adopted Date: August 19, 2020

I. BY THE COMMISSION

A. Statement, Findings, Conclusion

1. On August 11, 2020, Colorado Natural Gas, Inc. (CNG), filed a Motion for Extension of Waiver (Motion or Motion for Extension).

2. On March 30, 2020, CNG filed a Petition requesting a waiver of the Commission's Rules 4 *Code of Colorado Regulations* (CCR) 723-4-4408 (Rule 4408) of the Rules Regulating Gas Utilities and Pipeline Operators 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 Nos. 12 and T20 relating to the collection of late payment charges. That petition was granted on April 7, 2020 by Commission Decision No. C20-0225.

3. In this Motion for Extension, CNG requests an ongoing waiver of its tariff provisions for late payment charges and reconnection of service charges, but is no longer seeking an

ongoing waiver for discontinuance of service due to nonpayment. The Motion for Extension seeks a waiver of the relevant CNG tariff pages, Nos. 17, 12, and T20, the waiver of Rules 4407 and 4408 is no longer sought.

4. 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.

5. CNG requests through its Motion that the three tariff waivers be extended through September 9, 2020. The most recent Governor's Executive Orders (EOs) apply to late fees and reconnection fees, but no longer apply to disconnections. Beyond the specific September 9th waiver date, the Motion also seeks that to the extent the Governor's EOs are further extended or a new EO is issued with the same or similar requirements, that continuation of the waivers sought by the Motion also be extended to such time as the final EO addressing utility shutoffs, late payment fees and reconnection fees expire.

6. Governor's Order D 2020 098, dated June 12, 2020, directed the Commission as follows, in pertinent part:

- II. A. I 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.
- B. I direct the PUC to work with all public utilities to develop and provide payment assistance programs to aid customers, particularly customers qualified for the Low Income Energy Assistance Program, in the payment of their utility bills, related to the impacts of COVID-19. The PUC will report on the development of the payment assistance programs to DORA and the Office of the Governor.
- C. I direct the PUC to work with public utilities to provide guidance on prioritizing payment assistance. Further, the PUC shall collect and

monitor relevant data from public utilities on the implementation of Statewide measures undertaken in response to this Executive Order and on a weekly basis report these efforts to the Office of the Governor and post them on PUC's website.

7. EO D 2020 098. Governor's Order D 2020 098 has since been extended by Governor's Order D 2020 132, dated July 11, 2020, and Governor's Order D 2020 0157 dated August 9, 2020.¹

8. 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.

9. The portions of its Tariff that CNG has identified would require CNG to assess certain fees at this time, which are contrary to the public interest given the directives in the Governor's August 9, 2020 order.

10. Considering the Motion for Extension and directives in the Governor's August 9, 2020, EO, we find good cause to grant a waiver of the tariff provisions.

11. We find good cause grant the Motion for Extension *nunc pro tunc* from August 1, 2020, so that there is no gap with the grant of the prior waiver. To provide certainty of potential duration of the instant waivers, we will grant the waiver through the expiration of any such extension of the Governor's EOs or January 31, 2021, whichever comes first. This provides a definite end date for the requested waiver. Extension of the waiver may at that time be requested as appropriate given the unprecedented developments surrounding COVID-19.

¹ EO 157 expires September 9, 2020 unless otherwise extended. EO 132 simply states that it is extending EO 098, EO 157 simply states that it is extending EO 098 and EO 132.

II. ORDER

A. The Commission Orders That:

1. The Motion filed on August 11, 2020, by Colorado Natural Gas, Inc. (CNG) for extension of the waiver of CNG Tariff Sheet No. 17 relating to reconnection of service charges, and CNG's Tariff Sheet No. 12 and Sheet No. T20, relating to the collection of late payment charges, is granted, consistent with the discussion above, *nunc pro tunc*, from August 1, 2020 through the earlier of the expiration of the directives of the Governor's Orders or January 31, 2021.

2. CNG's request filed within the Motion that the Commission waive its intervention and notice period set forth in Commission Rule 4 *Code of Colorado Regulations* 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
August 19, 2020.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners