

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

PROCEEDING NO. 19A-0352G

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IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC. FOR  
APPROVAL OF A QUALITY OF SERVICE PLAN.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
ROBERT I. GARVEY  
VACATING HEARING ON THE SETTLEMENT**

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Mailed Date: January 7, 2020

**I. STATEMENT**

1. As part of the Stipulation and Settlement Agreement (Settlement) in Proceeding No. 18AL-0305G, Colorado Natural Gas Inc. (CNG or Company), the Office of Consumer Counsel (OCC), and Trial Staff of the Commission (Staff) agreed to collaborate on a Quality of Service Plan (QSP), which CNG was to file within six months of the effective date of the final decision in Proceeding No. 18AL-0305G. The Settlement was approved through Decision No. R18-0972, issued November 1, 2018. After a brief extension of time was granted for CNG to make the agreed-to QSP filing, CNG initiated this proceeding by filing its QSP on June 20, 2019. Through its Application, CNG proposes “to capture and monitor data”<sup>1</sup> in key areas. CNG notes that this is its “first QSP” and proposes a three-year period of data collection only, with “no associated goals, and no penalties or incentives.”<sup>2</sup>

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<sup>1</sup> Application at p. 1.

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

2. The OCC and Staff, each of which was a party to the Settlement, timely filed notices of intervention as of right and each requests a hearing on the Application. No other potential parties request intervention. Therefore, the parties in this proceeding are CNG, Staff, and the OCC.

3. In referring the proceeding to an Administrative Law Judge (ALJ) the Commission required CNG to file additional supporting testimony to address enforcement mechanism(s) that could apply to its QSP. The Commission stated that the supplemental direct testimony shall include, at a minimum, potential negative incentives<sup>3</sup> that the Company proposes to ensure quality of service is maintained by the Company over the term of the QSP.

4. The Commission required each party to support its positions in this proceeding fully through testimony and evidence. Proposals regarding incentives, at a minimum, must demonstrate that the magnitude and proposed implementation of the incentive is at an adequate level to ensure CNG's quality of service is maintained. If negative incentives would be incurred, the party proposing the incentive must demonstrate that the negative incentive is reasonable for the Company from a financial perspective.

5. On August 23, 2019, by Decision No. C19-0706-I, the above captioned proceeding was referred to an ALJ.

6. On September 6, 2019, by Decision No. R19-0738-I, a prehearing conference was scheduled for October 8, 2019.

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<sup>3</sup> Enforcement mechanisms and negative incentives for QSP filings have traditionally been included as customer refund amounts or billing credits. The Commission required CNG to propose a negative incentive at a minimum in Decision No. C19-0706-I.

7. On October 1, 2019, CNG filed its Unopposed Motion to Vacate Prehearing Conference and Accept Procedural Schedule.

8. On October 8, 2019 by Decision No. R19-0817-I, the prehearing conference was vacated and a procedural schedule was adopted.

9. On December 19, 2019, CNG filed its Unopposed Motion to Hold Procedural Schedule in Abeyance and Schedule a Hearing on the Stipulation and Settlement Agreement (Unopposed Motion).

10. On December 30, 2019, by Decision No. R19-1045-I, the Unopposed Motion was granted and a hearing on the settlement was scheduled for January 9, 2020.

11. On January 6, 2020, CNG filed its Unopposed Motion for Approval of the Stipulation and Settlement Agreement (Settlement Agreement). In addition, each of the settling parties filed testimony in support of the settlement.

12. On review of the Settlement Agreement and the testimony filed in the proceeding, the undersigned ALJ does not believe the hearing on the settlement is necessary. The hearing on the settlement scheduled for January 9, 2020 shall be vacated.

13. A decision approving the settlement shall be issued at a later date.

## **II. ORDER**

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

1. The hearing on the settlement in this matter scheduled for January 9, 2020 is vacated.

2. A decision approving the settlement shall be released at a later date.

3. The Parties shall be held to the advisements in this Decision.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT I. GARVEY

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director