

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
MOTION FOR A WAIVER**

Mailed Date: February 9, 2021

Adopted Date: February 3, 2021

I. BY THE COMMISSION

Statement, Findings, Conclusion

1. On March 30, 2020, Colorado Natural Gas, Inc. (CNG or the Company), filed a Petition requesting waiver of Commission's Rules 4 *Code of Colorado Regulations* (CCR) 723-4-4408 (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. The Petition was granted on April 7, 2020 by Commission Decision No. C20-0225.

2. Subsequently, CNG filed a Motion for Extension of the Waiver on August 11, 2020, seeking to extend its waivers on late payment charges and reconnection charges. That Motion for Extension of the Waiver was granted on August 25, 2020, by Commission Decision No. C20-0617, which granted the extended waivers through January 31, 2021.

3. Most recently, CNG filed an Unopposed Motion for Variance (Motion), seeking an extension of the waivers granted by Decision No. C20-0617.

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

III. 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.

Executive Order D 2020 098. Governor's Order D 2020 098 has been serially extended, most recently by Governor's Order D 2021 030, dated January 30, 2021.

5. The portions of its Tariff that CNG has identified 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 Executive Orders. CNG's Motion requests the waiver be granted through the expiration of the directives of the Governor's Executive Orders regarding late payment and reconnection charges or September 31, 2021, whichever comes first.

6. Considering the Motion and directives in the Governor's Executive Orders, we find good cause to grant the Motion. We find good cause to grant the Motion *nunc pro tunc* from January 31, 2021, so that there is no gap with the grant of the prior waiver. 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 Motion filed by Colorado Natural Gas, Inc. (CNG) to extend the waivers granted by Commission Decision No. C20-0617 is granted, consistent with the discussion above, *nunc pro tunc*, from January 31, 2021 through the earlier of the expiration of the directives of the Governor's Orders or September 30, 2021.

2. 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.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 3, 2021**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners