

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0477G

IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO GAS, INC. D/B/A BLACK HILLS ENERGY FOR APPROVAL OF A NEW GAS METER SAMPLING PROGRAM AND RELATED TARIFF CHANGES.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
VACATING REMOTE HEARING ON
SETTLEMENT AGREEMENT**

Mailed Date: March 29, 2021

I. STATEMENT

A. Procedural History.

1. On November 5, 2020, Black Hills Colorado Gas, Inc., doing business as Black Hills Energy (Black Hills), filed with the Colorado Public Utilities Commission (Commission), a Verified Application (Application) for approval of a new Gas Meter Sampling Program and related revisions to its Colo. PUC No. 1 Tariff. Black Hills also filed the Direct Testimony and Attachments of one witness, Svetlana V. Atoyan. Through this Application and supporting testimony and attachments, Black Hills requests that the Commission approve consolidation of previously approved gas meter sampling programs for its legacy local distribution companies.¹

2. The procedural history of this proceeding is included fully in previously issued decisions and is included here only to put this Decision into context.

¹ Application, at pages 1-2. See Proceeding No. 15A-0900G, Decision No. C15-1362 (issued on December 30, 2015) approving gas meter sampling program for Black Hills/Colorado Gas Utility Company, Inc. and Proceeding No. 17A-0379G, Decision No. C17-0716 (issued on August 31, 2017) approving gas meter sampling program for Black Hills Gas Distribution, LLC.

3. On December 16, 2020, the Commission deemed the Application complete for purposes of § 40-6-109.5, C.R.S. (2019), and referred the Application to an Administrative Law Judge (ALJ) for disposition. Subsequently, the undersigned ALJ was assigned to preside over this proceeding.

4. Decision No. R21-0031-I (issued on January 14, 2021) acknowledged the interventions of right of the Colorado Office of Consumer Counsel (OCC) filed on December 4, 2020, and of Trial Staff of the Colorado Public Utilities Commission (Staff) filed on December 8, 2020. The only Parties to this proceeding are Black Hills, OCC, and Staff.

5. Pursuant to § 40-6-109.5(1), C.R.S. (2019), Decision No. R21-0031-I also extended the deadline for the Commission's decision on the Application for an additional 130 days, for a maximum period of 250 days or until August 23, 2021. Finally, Decision No. R21-0031-I ordered the Parties to confer and to file a status report advising the ALJ of a proposed procedural schedule and other procedural matters by January 22, 2021.

6. In Decision No. C20-0040-I (issued on January 25, 2021), the ALJ adopted the proposed procedural schedule filed by the Parties and scheduled a remote evidentiary hearing for April 27, 2021 at 9:00 a.m.

7. On March 1, 2021, the Parties filed a Notice of Settlement, Unopposed Joint Motion to Modify Procedural Schedule, and Request for Waiver of Response Time (Unopposed Joint Motion).

8. In Decision No. R21-0115-I (issued on March 2, 2021), the ALJ granted the Unopposed Joint Motion filed on March 1, 2021, vacated the remainder of the procedural schedule except for the April 27, 2021 hearing, established March 15, 2021 as the date to file a

written Settlement Agreement, and March 22, 2021 as the date to file testimony in support of the Settlement Agreement.

9. On March 15, 2021, Black Hills, Staff, and OCC filed an Unopposed Joint Motion for Approval of Settlement Agreement and Request for Waiver of Response Time (Joint Motion) along with the signed Settlement Agreement. Attachment 1 to the Settlement Agreement is the Amended Gas Meter Sampling Program.

10. On March 22, 2021, the Parties filed the testimony and attachments of three witnesses in support of approval of the Settlement Agreement.

B. Joint Motion and Whether to Hold the Hearing.

11. Since the Joint Motion is unanimous and unopposed, response time to the Joint Motion will be waived, pursuant to Rule 1308(c) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (2020).

12. In Decision No. R21-0115-I, the ALJ advised the Parties that, if he determines that a hearing on the Settlement Agreement is not necessary, he would vacate the April 27, 2021 remote hearing date.

13. The ALJ has reviewed the Settlement Agreement and Attachment 1, as well as the testimony and attachments of the three witnesses filed in support of the Settlement Agreement. The Settlement Agreement and the testimony in support of approval of the Settlement Agreement are comprehensive, clear, and understandable. Therefore, the ALJ has determined that a hearing on the Settlement Agreement is not necessary. The April 27, 2021 hearing will be vacated.

14. A Recommended Decision will be issued in due course addressing whether to grant the Joint Motion, to approve the Settlement Agreement and the Amended Gas Meter Sampling Program, and to grant the Application as amended by the Settlement Agreement.

II. ORDER**A. It Is Ordered That:**

1. The remote hearing in this proceeding on the Settlement Agreement, scheduled for April 27, 2021 at 9:00 a.m., is vacated.
2. Response time to the Unopposed Joint Motion for Approval of Settlement Agreement and Request for Waiver of Response Time (Joint Motion), filed on March 15, 2021 is waived.
3. The Joint Motion and Settlement Agreement, as well as the Application as amended by the Settlement Agreement, shall be taken under advisement pending the issuance of a Recommended Decision in this proceeding.
4. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
DirectorTHE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge