

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0284G

IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC. FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A SYSTEM SAFETY AND INTEGRITY RIDER.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
ACKNOWLEDGING APPLICATION
WITHDRAWAL AND CLOSING PROCEEDING**

Mailed Date: April 13, 2021

I. STATEMENT

A. Summary

1. This Decision acknowledges Colorado Natural Gas Inc.'s (CNG) withdrawal of the above-captioned Application, vacates the procedural schedule and evidentiary hearing, and closes this proceeding.

II. BACKGROUND, FINDINGS, AND CONCLUSIONS

A. Procedural History

2. Only the procedural history necessary to understand this Decision is included. CNG initiated this matter by filing the above-captioned Application on June 26, 2020. The Colorado Public Utilities Commission Trial Staff and the Office of Consumer Counsel are the only interveners in this matter.

3. The Commission referred this matter to an Administrative Law Judge (ALJ) on August 19, 2020. Decision No. C20-0610-I. Since then, the ALJ scheduled an evidentiary hearing, established a procedural schedule, and vacated both multiple times, per the parties'

request. Decision Nos. R20-0633-I issued August 31, 2020; R20-0681-I issued September 22, 2020; R20-0766-I issued October 30, 2020; and R20-0902-I issued December 18, 2020. Under the most recent schedule, the evidentiary hearing is set to take place on May 27, 2021, with various procedural deadlines before then. Decision No. R21-0144-I issued March 12, 2021.

4. In addition, the ALJ held a hearing on March 8, 2021 to take public comment on CNG's Application. *See* Decision No. R21-0024-I issued January 13, 2021. Members of the public appeared and provided comment.

5. On April 7, 2021, CNG filed a "Notice of Withdrawal of Application" (Notice). In its Notice, CNG withdraws its Application per Rule 1309(d) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1. Notice at ¶ 4.

B. Findings and Conclusions

6. CNG states that it "is committed to the safety and integrity of its gas delivery system and intends to complete the projects . . . identified through its integrity management programs to improve system safety and integrity." *Id.* at ¶ 5. CNG explains that during the course of this proceeding, it became apparent that CNG does not need this proceeding in order to repair and upgrade its facilities. *Id.* CNG believes that the burdens and costs associated with continuing this proceeding outweigh the potential benefits of having an approved SSIR. *Id.* at 6. For these reasons, CNG withdraws its Application. *Id.*

7. Under Rule 1309(d), 4 CCR 723-1, a party may withdraw an Application "upon notification to the Commission and all parties prior to 45 days before the first day of hearing. Thereafter, the party shall file a motion to obtain leave of the Commission to withdraw the application or petition." CNG filed its Notice 50 days before the first day of hearing, on April 7, 2021. As such, CNG has met Rule 1309(d)'s requirement that notice of withdrawal be submitted

at least 45 days before the first day of hearing. This means that the Commission is not required to approve CNG's Application withdrawal. Rule 1309(d), 4 CCR 723-1.

8. However, as set forth below, the ALJ acknowledges CNG's Application withdrawal, closes the proceeding, and vacates the hearing and deadlines as unnecessary.

III. ORDER

A. The Commission Orders That:

1. Colorado Natural Gas Inc.'s withdrawal of the above-captioned Application per its Notice of Withdrawal of Application filed April 7, 2021 is acknowledged.

2. The remote evidentiary hearing scheduled for May 27, 2021 on the above-captioned Application is vacated.

3. The procedural schedule and any other related requirements in Decision No. R21-0144-I issued March 12, 2021 are vacated.

4. Proceeding No. 20A-0284G is closed.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

6. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision will be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision will become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

7. If exceptions to this Recommended Decision are filed, they may not exceed 30 pages in length, unless the Commission finds good cause and permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge