

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

PROCEEDING NO. 22AL-0026G

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IN THE MATTER OF ADVICE LETTER NO. 16 FILED BY BLACK HILLS COLORADO GAS, INC. DOING BUSINESS AS BLACK HILLS ENERGY TO REVISE ITS GAS SERVICES LINE EXTENSION TARIFFS, TO BECOME EFFECTIVE ON MARCH 7, 2022.

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**COMMISSION INTERIM DECISION GRANTING, IN  
PART, UNOPPOSED JOINT MOTION TO APPROVE  
SETTLEMENT AGREEMENT, TO MODIFY  
PROCEDURAL SCHEDULE, AND FOR WAIVER  
OF RESPONSE TIME**

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Mailed Date: August 4, 2022  
Adopted Date: August 3, 2022

**I. BY THE COMMISSION**

**A. Statement**

1. This Interim Decision grants, in part, the Unopposed Joint Motion to Approve Settlement Agreement, to Modify Procedural Schedule, and for Waiver of Response Time (Joint Motion) filed by Black Hills Colorado Gas, Inc. (Black Hills or the Company) on July 29, 2022.

2. We convert the deadline to file rebuttal testimony into the deadline to file settlement testimony, vacate the remaining procedural deadlines, designate September 22, 2022, as the settlement hearing, and waive response time to the Joint Motion.

**B. Discussion**

3. On January 12, 2022, Black Hills filed Advice Letter No. 16 to update its line extension policy for natural gas service.

4. Staff of the Colorado Public Utilities Commission (Staff) and the Colorado Office of the Utility Consumer Advocates (UCA) intervened and, together with the Company, constitute the parties to this Proceeding.

5. By Decision No. C22-0298, issued May 13, 2022, we established the procedural schedule set forth below:

Event	Deadline
Answer Testimony and Attachments	July 15, 2022
Rebuttal Testimony and Attachments and Cross-Answer Testimony and Attachments	August 12, 2022
Prehearing Motions	September 2, 2022
Responses to Prehearing Motions	September 9, 2022
Settlement and Supporting Testimony	September 12, 2022
Corrected Testimony and Exhibits	September 14, 2022
Witness Order and Cross-Examination Matrix	September 16, 2022
Evidentiary Hearing	September 22-23, 2022
Statements of Position	October 7, 2022

6. On July 29, 2022, Black Hills filed the Joint Motion along with the Settlement Agreement and revised tariff sheets. The Joint Motion requests that the Commission approve without modification the Settlement Agreement, modify the procedural schedule to account for the Settlement Agreement, and waive response time to the Joint Motion.

7. The Joint Motion argues that because the Settlement Agreement is uncontested and comprehensive, the current procedural schedule is no longer appropriate.<sup>1</sup> Specifically, the Joint Motion requests that the Commission convert the deadline for rebuttal and cross-answer testimony (currently due August 12, 2022) to the deadline to file settlement testimony. Similarly, the Joint Motion requests that the Commission vacate the remaining procedural deadlines (*i.e.*, the deadlines

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<sup>1</sup> Joint Motion, p. 3.

for prehearing motions and responses, settlement and supporting testimony, corrected testimony and exhibits, witness order and cross-examination matrix, and statements of position).

8. The Joint Motion also requests that the Commission designate either September 22 or 23, 2022, as the potential settlement hearing, if the Commission determines that a settlement hearing is necessary after reviewing the Settlement and supporting testimony. The Joint Motion states that the Settling Parties will make available witnesses to testify at the settlement hearing to the extent desired by the Commission.<sup>2</sup>

9. Finally, the Joint Motion requests that the Commission waive response time, noting that the Joint Motion is unopposed.

### **C. Findings and Conclusions**

10. We agree with the Joint Motion's procedural requests. The requests are unopposed and help establish an appropriate process through which the Commission can review the Settlement and associated testimony.

11. Accordingly, we modify the August 12, 2022, deadline so that instead of rebuttal and cross-answer testimony, it is the deadline to file settlement testimony. We also vacate the remaining procedural deadlines and designate September 22, 2022, as the settlement hearing. After consideration of the merits of the Settlement Agreement and associated testimony, the Commission may in a future order vacate one or both of the dates currently reserved for a hearing. Finally, we agree to waive response time to the Joint Motion, which is uncontested.

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<sup>2</sup> *Id.* at 4.

## II. ORDER

### A. The Commission Orders That:

1. The Unopposed Joint Motion to Approve Settlement Agreement, to Modify Procedural Schedule, and for Waiver of Response Time (Joint Motion) filed by Black Hills Colorado Gas, Inc. (Black Hills or the Company) on July 29, 2022, is granted, in part.

2. The deadline to file settlement testimony is August 12, 2022, consistent with the discussion above.

3. The remaining procedural deadlines are vacated and September 22, 2022, is designated as the date for the settlement hearing, consistent with the discussion above.

4. Response time to the Joint Motion is waived.

5. This Decision is effective upon its Mailed Date.

### B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING August 3, 2022.**

(S E A L)



ATTEST: A TRUE COPY

*Doug Dean*

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners