

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24AL-0049G

IN THE MATTER OF ADVICE LETTER NO. 1029 - GAS FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 6 - GAS TARIFF TO INCREASE JURISDICTIONAL BASE RATE REVENUES, IMPLEMENT NEW BASE RATES FOR ALL GAS RATE SCHEDULES, AND MAKE OTHER PROPOSED TARIFF CHANGES, TO BECOME EFFECTIVE FEBRUARY 29, 2024.

**COMMISSION DECISION SETTING RESPONSE TIME TO
MOTION AND GRANTING APPLICATION FOR
REHEARING, REARGUMENT, OR RECONSIDERATION
OF DECISION NO. C25-0050 FOR THE SOLE PURPOSE
OF TOLLING THE 30-DAY STATUTORY TIME LIMIT IN
§ 40-6-114(1), C.R.S.**

Issued Date: February 26, 2025

Adopted Date: February 26, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the following filings made in this Proceeding by the Office of the Utility Consumer Advocate (“UCA”): (1) the application filed by UCA on February 12, 2025, seeking rehearing, reargument, or reconsideration of Decision No. C25-0050, which the Commission issued January 23, 2025 (“RRR Application”); and (2) the motion filed by UCA on February 21, 2025, seeking leave to respond to its RRR Application in order to supplement the RRR Application (“Motion”).

2. By this Decision, we establish **March 6, 2025**, as the deadline for parties to this Proceeding to file any response to the Motion. Relatedly, in order to accommodate time for a response to and our consideration of the Motion, we grant UCA’s RRR Application for the sole

purpose of tolling the 30-day statutory time limit for the Commission to act upon the RRR Application in § 40-6-114(1), C.R.S., so that the RRR Application will not be denied by operation of law.

B. Procedural History

3. On January 29, 2024, Public Service Company of Colorado (“Public Service”) filed Advice Letter No. 1029-Gas with revised tariff sheets to increase its base rate revenue collections for all natural gas sales and transportation services and to make certain other changes to the Company’s Colorado P.U.C. No. 6-Gas Tariff.

4. On October 25, 2024, through Decision No. C24-0778, the Commission permanently suspended the effective date of the tariff sheets filed with Advice Letter No. 1029-Gas and ordered Public Service to file compliance tariffs with new base rates for retail gas service consistent with the findings and conclusions in Decision No. C24-0778.

5. On October 31, 2024, Public Service filed Advice Letter No. 1042-Gas in Proceeding No. 24AL-0475G with the compliance tariffs setting forth the new base rate effective November 5, 2024, in accordance with the findings and directives in Decision No. C24-0778.

6. On November 14, 2024, Public Service, Trial Staff of the Commission, and UCA filed applications seeking rehearing, reargument, or reconsideration (“RRR”) of Decision No. C24-0778.

7. On December 12, 2024, by Decision No. C24-0916, so that they would not be denied by operation of law, the Commission granted these applications for RRR, for the sole purpose of tolling the 30-day statutory time limit for the Commission to act upon such applications in § 40-6-114(1), C.R.S.

8. On January 23, 2025, through Decision No. C25-0050, the Commission granted, in part, and denied, in part, the applications for RRR of Decision No. C24-0778 filed by Public Service, Trial Staff of the Commission, and UCA.

9. On February 12, 2025, Public Service filed Advice Letter No. 1045-Gas in Proceeding No. 25AL-0071G with the compliance tariffs setting forth the new base rate effective February 17, 2025, in accordance with the findings and directives in Decision No. C25-0050.

10. On February 12, 2025, UCA filed its RRR Application seeking reconsideration of certain portions of Decision No. C25-0050.

11. On February 14, 2025, Public Service filed an amendment to Advice Letter No. 1045-Gas for the stated purpose of filing a corrected version of a certain attachment. Public Service stated the attachment provides a comparison of the final revenue requirements from Decision Nos. C25-0050 and C24-0778 and had contained transposed headers.

12. On February 21, 2025, UCA filed the Motion. UCA includes within the Motion the supplement it wishes to make to its RRR Application and a request that the Commission shorten response time to the Motion to February 28, 2025.

13. UCA represents that, of the parties to this Proceeding, Public Service opposes the Motion;¹ Trial Staff of the Commission supports the Motion; Climax Molybdenum Company and Tiger Natural Gas, Inc. do not oppose the Motion; Atmos Energy Corporation takes no position on the Motion; and counsel for Colorado Natural Gas and WoodRiver Energy, LLC did not timely

¹ The Motion states that Public Service requested its position be stated as follows: “Public Service opposes on the grounds that the motion to supplement is procedurally improper, and that the information UCA claims to be new has been in the case record and every Public Service 13-month average revenue requirement and associated model throughout the proceeding. Public Service further reserves the right to separately respond to or otherwise address UCA’s Motion and supplement.”

respond to the conferral request. UCA does not indicate whether it conferred with, or what response was received from, intervenor the City of Pueblo.

C. Findings and Conclusions

1. Motion & Response Time

14. Through the Motion, UCA contends that Rule 1506 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1, authorizes a party to file a response to its own RRR Application, upon a showing that it has discovered new facts or issues material for the moving party that it could not, with reasonable diligence, have discovered prior to the time the application for RRR was filed. UCA contends that it has discovered new facts or issues material to its RRR Application and therefore wishes to supplement its RRR Application. Specifically, UCA contends its RRR Application discusses the Commission’s order to use the 13-month average rate base methodology and the need to ensure that depreciation expense for the 2023 historic test year (“2023 HTY”) was calculated based on a rate base amount using the 13-month average methodology rather than the year-end method (called “annualization”). UCA contends the witness affidavit attached to the Motion demonstrates that UCA learned after it filed its RRR Application that Public Service did calculate the depreciation expense for the 2023 HTY using the year-end or annualized amount rather than use of the 13-month average method and that the dollar difference of approximately \$16.5 million, at a minimum, is material.

15. In considering this Motion, we note that, pursuant to § 40-6-114, C.R.S., a party may apply for RRR of a Commission decision. The party must specify in such application the grounds upon which it considers the decision unlawful. The Commission may then reverse, change, or modify its decision if it appears the original decision is in any respect unjust or unwarranted. In the context of a second round of RRR, as is the case here, pursuant to

§ 40-6-114(3), C.R.S., only those decisions “reversing, changing, or modifying the original decision” are subject to further RRR.

16. We also acknowledge that UCA is relying on Rule 1506(b), 4 CCR 723-1, as the procedural basis for the Motion. This rule allows a party to file a response to an application for RRR upon motion, which motion must demonstrate, as relevant here, newly discovered facts or issues material for the moving party which that party could not, with reasonable diligence, have discovered prior to the time the application for RRR was filed. At this time, we are not aware of any instance in which a party has sought, as UCA does here, to file a response to its own application for RRR.

17. Given the extraordinary nature of the Motion, we find it appropriate to allow time for a response from Public Service and any other interested party prior to ruling on the merits of the Motion. Accordingly, and so that the Motion can be resolved and UCA’s RRR Application expeditiously decided, the Commission finds good cause to set a shortened response time to the Motion. The deadline for filing responses to the Motion is set as **March 6, 2025**.

2. RRR Application

18. Consistent with the statutory time limit in § 40-6-114(1), C.R.S., and the procedures in Rule 1506 of the Rules of Practice and Procedure, 4 CCR 723-1, any applications for RRR were due within 20 days after Decision No. C25-0050 became effective.

19. Pursuant to § 40-6-114(1), C.R.S., the Commission is required to consider and act upon any application for RRR within 30 days of its filing (in this case by March 14, 2025) or the application will be denied by operation of law. We find that, due to the exceptional nature of the Motion and the need to accommodate a response to and consideration of the Motion, as well as the press of business at the Commission, we require further time to consider the RRR Application and

prepare our written decision. Therefore, to preclude a denial by operation of law, we grant UCA's RRR Application for the sole purpose of tolling the statutory time limit.

20. This grant is procedural, and undertaken only to toll the statutory time limit in § 40-6-114(1), C.R.S. Once we have response(s) to the Motion, we will take up the merits of the Motion as well as the RRR Application at a forthcoming Commissioners' Weekly Meeting.

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C25-0050 ("RRR Application"), filed on February 12, 2025, by the Office of the Utility Consumer Advocate ("UCA"), is granted, consistent with the discussion above.

2. Response time to the motion filed by UCA for leave to respond to its RRR Application in order to supplement the RRR Application, filed by UCA on February 21, 2025, is set for **March 6, 2025**.

3. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 26, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners