

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 10AL-963G

IN THE MATTER OF ADVICE LETTER NO. 791 FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO INCREASE THE RATES FOR ALL NATURAL GAS SALES AND TRANSPORTATION SERVICES BY IMPLEMENTING A GENERAL RATE SCHEDULE ADJUSTMENT (“GRSA”) IN THE COMPANY’S COLORADO P.U.C. NO. 6 GAS TARIFF TO BECOME EFFECTIVE JANUARY 17, 2011.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
MODIFYING PROCEDURAL SCHEDULE;
GRANTING UNOPPOSED MOTION;
VACATING PREHEARING CONFERENCE,
NUNC PRO TUNC; VACATING EVIDENTIARY
HEARING DATES, *NUNC PRO TUNC*;
SCHEDULING EVIDENTIARY HEARING
ON STIPULATION; ESTABLISHING
FILING REQUIREMENT; AND
WAIVING RESPONSE TIME**

Mailed Date: March 6, 2014

I. STATEMENT

1. On December 17, 2010, Public Service Company of Colorado (Public Service, PSCo, or the Company) filed Advice Letter No. 791-Gas with proposed tariff sheets. In that filing and as pertinent here, PSCo sought Commission approval of a Pipeline Safety Integrity Adjustment (PSIA) rate rider. The purpose of the PSIA is to allow the Company to recover the capital and operations and maintenance costs of certain pipeline system integrity initiatives or projects.

2. The procedural history of this Proceeding is set out in decisions previously issued in this matter. The procedural history is repeated here as necessary to put this Interim Decision in context.

3. On August 8, 2013, by Decision No. C13-0964 and as pertinent here, the Commission granted requests for a detailed review of the Company's 2012 Pipeline System Integrity Adjustment (PSIA) Report, stated that the review would occur within the instant Proceeding, and referred the review to an Administrative Law Judge (ALJ). *Id.* at ¶¶ 25-27.

4. On September 5, 2013, by Decision No. R13-1094-I, the ALJ scheduled a prehearing conference in this Proceeding to be held on September 20, 2013. The ALJ held the prehearing conference as scheduled. Public Service, Climax Molybdenum Company (Climax), Colorado Office of Consumer Counsel (OCC), and Trial Staff of the Commission (Staff) were present; were represented; and participated.

5. Unless the context indicates otherwise, Public Service, Climax, OCC, and Staff are the Parties.

6. On September 30, 2013, by Decision No. R13-1216-I, the ALJ scheduled the evidentiary hearing for March 3 through 7, 2014; scheduled the final prehearing conference for February 26, 2014; and established the procedural schedule.

7. In the procedural schedule, February 18, 2014 was the date by which the Parties were to file any settlement or stipulation that they reached. In response to a request from Public Service and Staff, the ALJ modified the procedural schedule to permit the Parties to file, not later than February 25, 2014, any settlement or stipulation that they reached.¹

¹ By electronic mail dated February 19, 2014, the ALJ informed the Parties of the ruling that modified the procedural schedule. This Interim Decision memorializes the ruling.

8. On February 25, 2014, Staff counsel sent electronic mail to the ALJ and the Parties. In that correspondence, Staff counsel informed the ALJ that the Parties had reached a settlement, which would be filed not later than February 25, 2014; that the Parties requested the ALJ to vacate the February 26, 2014 prehearing conference; and that the Parties did not request an evidentiary hearing on the settlement. On February 25, 2014, in response to that correspondence and in anticipation of the filing of the settlement, the ALJ vacated the February 26, 2014 prehearing conference; vacated the March 3, 4, 6, and 7, 2014 evidentiary hearing dates; and retained the March 5, 2014 evidentiary hearing date for the purpose of taking testimony on the settlement.²

9. On February 25, 2014, Public Service filed a Joint Motion to Approve Stipulation and Settlement Agreement. A Stipulation and Agreement (Stipulation) signed by the Company, OCC, and Staff (the Settling Parties), and not opposed by Climax, accompanied that filing.

10. After review of the Stipulation and the record, on February 28, 2014, the ALJ sent to the Parties electronic mail addressed to the Stipulation (ALJ correspondence). The ALJ correspondence contained 19 enumerated subject areas. The ALJ requested the Signatories to present at the March 5, 2014 hearing at least one witness prepared to answer the questions posed, and to address the subject areas discussed, in the ALJ correspondence. In addition, the ALJ requested counsel to be prepared to address legal issues identified in the ALJ correspondence.

11. On March 4, 2013, Public Service filed an Unopposed Motion for Interim Decision Vacating Hearing Date of March 5, 2014 and Setting New Hearing Date of March 28, 2014 as Necessary (Motion). In that filing, the Company states: (a) the Settling Parties need

² By electronic mail dated February 25, 2014, the ALJ informed the Parties of these rulings. This Interim Decision memorializes the rulings.

additional time to prepare their responses to the February 28, 2014 correspondence; (b) as a result, the Parties request that the March 5, 2014 hearing be vacated; (c) for purposes of clarity, the Settling Parties propose to file, not later than noon on March 19, 2014, written responses to the February 28, 2014 correspondence; and (d) assuming a hearing is necessary, the Parties propose March 28, 2014 as the date for the evidentiary hearing on the Stipulation. Public Service represents that the Motion is unopposed. In addition, Public Service requests waiver of response time to the Motion.

12. Given the nature of the Motion and given that the Motion is unopposed, the ALJ finds that no party will be prejudiced if response time to the Motion is waived. The ALJ will waive response time to the Motion.

13. The ALJ finds that the Motion states good cause and that no party will be prejudiced if the Motion is granted. The ALJ will vacate the March 5, 2014 hearing; will order the Parties to file, not later than **noon on March 19, 2014**, their written responses to the questions posed, and the subject areas discussed, in the February 28, 2014 correspondence; and will schedule a **March 28, 2014** evidentiary hearing on the Stipulation.³

14. The ALJ recognizes that the Settling Parties seek additional time to respond to the ALJ correspondence. Climax is not one of the Settling Parties. In the ALJ correspondence, however, there are questions posed to Climax. As a result, the requirement to file responses includes *all* Parties and is not limited to the Settling Parties.

³ If the ALJ finds that the March 28, 2014 evidentiary hearing is not necessary, the ALJ will issue a subsequent Interim Decision to vacate the hearing.

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the procedural schedule established in Decision No. R13-1216-I is modified as set out above.

2. The final prehearing conference scheduled in this Proceeding is vacated, *nunc pro tunc*.

3. The March 3 through 7, 2014 evidentiary hearing scheduled in this Proceeding is vacated, *nunc pro tunc*.

4. The evidentiary hearing on the Stipulation and Agreement filed on February 25, 2014 in this Proceeding is scheduled for the following date, at the following time, and in the following location:

DATE: March 28, 2014
TIME: 10:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

5. Not later than noon on March 19, 2014, the Parties shall file their responses to the questions posed in, and to the subject areas discussed in, the February 28, 2014 electronic correspondence from the Administrative Law Judge to counsel in this Proceeding.

6. The Parties are held to the advisements contained in the Interim Decisions entered in this Proceeding.

7. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director