

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14M-0241EG

IN THE MATTER OF COMMISSION CONSIDERATION OF MULTI-YEAR RATE PLAN
ADVICE LETTER FILINGS AND TARIFF SHEETS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION TO APPEAR
PRO HAC VICE, GRANTING MOTION
TO APPEAR VIA TELEPHONE, AND
WAIVING RESPONSE TIME**

Mailed Date: August 25, 2014

I. STATEMENT

1. On March 24, 2014, by Decision No. C14-0302, the Commission opened this Proceeding and referred it to an Administrative Law Judge (ALJ). In that Decision, the Commission also designated four necessary parties: Public Service Company of Colorado (Public Service); Climax Molybdenum Company (Climax); the Colorado Office of Consumer Counsel (OCC); and Trial Staff of the Commission (Staff).

2. The following entities were permitted to intervene: Atmos Energy Corporation (Atmos); Black Hills/Colorado Electric Utility Company, L.P. (Black Hills/Electric); Black Hills/Colorado Gas Utility Company, L.P. (Black Hills/Gas);¹ Colorado Natural Gas, Inc. (CNG); Rocky Mountain Natural Gas LLC (RMNG); and SourceGas Distribution LLC (SourceGas).

¹ Unless the context indicates otherwise, Black Hills/Electric and Black Hills/Gas, collectively, are Black Hills.

3. Atmos, Black Hills, Climax, CNG, OCC, Public Service, RMNG, SourceGas, and Staff, collectively, are the Parties. Each party is represented by legal counsel.

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

A. Motion to Appear *Pro Hac Vice*.

5. On August 12, 2014, James G. Flaherty, Esquire, filed a Verified Motion to Appear *Pro Hac Vice* as Attorney and Co-Counsel for Atmos Energy Corporation (Flaherty Motion). Mr. Flaherty made this filing pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1201(a),² which governs the admission of attorneys not licensed to practice law in Colorado. Rule 4 CCR 723-1-1201(a) requires compliance with Colorado Rule of Civil Procedure (Colo.R.Civ.P.) 221.1.

6. On August 22, 2014, the Commission received a notice from the Attorney Registration Office of the Supreme Court of Colorado. The notice advises the Commission that Mr. Flaherty has been assigned a *Pro Hac Vice* registration number with respect to this case.

7. Review of the Commission file in this matter reveals that, as of the date of this Interim Decision, no response to the Flaherty Motion has been filed.

8. The ALJ has reviewed the Flaherty Motion, the Attorney Registration Office notice, and the requirements of Rule 4 CCR 723-1-1201(a) and Colo.R.Civ.P. 221.1. The ALJ finds that Mr. Flaherty has complied with Rule 4 CCR 723-1-1201(a) and Colo.R.Civ.P. 221.1, that the Flaherty Motion states good cause, and that no party will be prejudiced if the Flaherty

² This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

Motion is granted. The ALJ will grant the Flaherty Motion and will admit Mr. Flaherty *pro hac vice* to represent Atmos in this Proceeding.

B. Motion to Appear Via Telephone.

9. On May 29, 2014, by Decision No. R14-0573-I, the ALJ scheduled an oral argument in this Proceeding. The oral argument will take place in a Commission hearing room in Denver, Colorado.

10. On August 22, 2014, James G. Flaherty, counsel for Atmos, filed a Motion to Appear Via Telephone and [for] Waiver of Response Time.

11. The ALJ finds that the Motion for Waiver of Response Time states good cause to waive response time to the Motion to Appear Via Telephone and finds that waiving response time will not prejudice any party. The ALJ will grant the Motion for Waiver of Response Time and will waive response time to the Motion to Appear Via Telephone.

12. The ALJ finds that the Motion to Appear Via Telephone Time states good cause and finds that granting the motion will not prejudice any party. The ALJ will grant the Motion to Appear Via Telephone and will permit James G. Flaherty to participate in the August 27, 2014 oral argument by telephone.³

II. ORDER

A. It Is Ordered That:

1. The Verified Motion to Appear *Pro Hac Vice* as Attorney and Co-Counsel for Atmos Energy Corporation filed by James G. Flaherty, Esquire, is granted.

³ To participate by telephone, Mr. Flaherty must call 303.894.2007 approximately five minutes before the scheduled 10:00 a.m. (Mountain Time) oral argument and, when the telephone is answered, must ask to be connected to Hearing Room B.

2. James G. Flaherty, Esquire, is admitted *pro hac vice* as counsel for Atmos Energy Corporation in this Proceeding.

3. The Motion to Appear Via Telephone, which motion was filed on August 22, 2014, is granted.

4. James G. Flaherty, Esquire, may participate by telephone in the oral argument scheduled for August 27, 2014.

5. The Motion for Waiver of Response Time, which motion was filed on August 22, 2014, is granted.

6. Response time to the Motion to Appear Via Telephone is waived.

7. The Parties are held to the advisements in the Interim Decisions issued in this Proceeding.

8. This Interim Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge