

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

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

PROCEEDING NO. 14AL-0285G

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IN THE MATTER OF ADVICE LETTER NO. 84 FILED BY ROCKY MOUNTAIN  
NATURAL GAS LLC TO RECOVER COSTS FOR SYSTEM SAFETY AND INTEGRITY  
PROJECTS THROUGH THE SYSTEM SAFETY AND INTEGRITY RIDER (SSIR) TO  
BECOME EFFECTIVE JUNE 1, 2014.

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**STIPULATION AND AGREEMENT IN RESOLUTION OF PROCEEDING**

This Stipulation and Agreement in Resolution of Proceeding (the “Stipulation”) is entered into by and among Rocky Mountain Natural Gas LLC (“Rocky Mountain” or the “Company”), Staff of the Public Utilities Commission of the State of Colorado (“Staff”), and the Colorado Office of Consumer Counsel (“OCC”) (collectively, the “Parties” and each individually, a “Party”). This Stipulation sets forth the terms and conditions by which the Parties have agreed to resolve all issues that have been or could have been raised in Proceeding No. 14AL-0285G (the “Proceeding”), commenced by the Company’s filing of Advice Letter No. 84 and accompanying attachments on March 31, 2014. Although a Party to this Stipulation, the OCC neither supports nor opposes the agreements reached between the Company and Staff as set forth in Sections II.A and II.B of this Stipulation. Additionally, and as set forth in Section II.C of this Stipulation, the Parties will file Post-Hearing Statements of Position regarding the OCC’s position that the definition of the term “System Safety and Integrity Projects” in the Company’s SSIR Tariff should be modified.

The Parties respectfully request that the Public Utilities Commission of the State of Colorado (the “Commission”) approve this Stipulation, in its entirety and without modification, pursuant to Rule 4 *Code of Colorado Regulations* (“CCR”) 723-1-1408 of the Commission’s Rules of Practice and Procedure.

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

**I. PROCEDURAL HISTORY**

1. Section 24 of the General Terms and Conditions of the Company's Colo. PUC No. 4 Tariff is the Company's "SSIR Tariff" approved by the Commission in Recommended Decision No. R14-0114 mailed in consolidated Proceeding Nos. 13A-0046G, 13AL-0067G and 13AL-0143G on January 30, 2014, which became the Decision of the Commission by operation of law. Section 24.2 of the SSIR Tariff states as follows:

ANNUAL FILINGS. Each proposed revision in the SSIR rates will be accomplished by filing an advice letter on November 1 of each year to take effect on the following January 1, provided, however, that the initial filing for 2014 will be made as soon as possible following approval of the SSIR in Docket No. 13A-0046G. The Company will include in its annual SSIR filing all pertinent information and supporting data related to Eligible System Safety and Integrity Costs, e.g., project description and scope, project costs, in-service date, etc. The Company will submit a report each year by April 1 detailing the Project costs incurred during the previous year. This report will explain how the Project costs were managed and any deviations between budgeted and actual costs. To the extent interested parties wish to challenge any of the activities or their respective costs, they can request that the Commission convene a hearing within ninety (90) days of the date the Company files its report. The Company will file the first such report on April 1, 2015.

2. On March 31, 2014, the Company filed Advice Letter No. 84, in compliance with Recommended Decision No. R14-0114. Through Advice Letter No. 84, Rocky Mountain sought Commission approval to make effective Second Revised Sheet No. 8, which sets forth the proposed System Safety and Integrity Rider ("SSIR") Rate designed to collect Eligible System Safety and Integrity Costs of SSIR Projects in 2014, as those terms are defined in the Company's SSIR Tariff.

3. By Decision No. C14-0565, mailed in Proceeding No. 14L-0503G on May 28, 2014, the Commission granted Rocky Mountain's Verified Application for authorization to place the proposed SSIR Rate reflected on Second Revised Sheet No. 8 into effect on June 1, 2014, on

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

an interim basis subject to refund. On May 28, 2014, the Company filed Advice Letter No. 85, in compliance with Decision No. C14-0565, by which it placed the proposed SSIR Rate reflected on Second Revised Sheet No. 8 into effect on June 1, 2014, on an interim basis subject to refund.

4. By Decision No. C14-0580, mailed on May 30, 2014, the Commission suspended the permanent effective date of Second Revised Sheet No. 8 filed with Advice Letter No. 84 until September 29, 2014. The Commission referred this Proceeding to Administrative Law Judge (“ALJ”) Robert I. Garvey.

5. The ALJ convened a prehearing conference in this Proceeding on July 8, 2014.

6. By Decision No. R14-0804-I, mailed on July 11, 2014, the ALJ found that Staff and the OCC are intervenors as of right and parties in this Proceeding, further suspended the permanent effective date of Second Revised Sheet No. 8 filed with Advice Letter No. 84 until December 28, 2014, and set this Proceeding for an evidentiary hearing on September 16-17, 2014.

7. Pursuant to Decision No. R14-0804-I, Rocky Mountain filed the Prefiled Direct Testimony and Exhibits of Jerrad S. Hammer and the Prefiled Direct Testimony and Exhibits of Michelle Moorman Applegate on July 22, 2014.

8. By Decision No. R14-0981-I, mailed on August 13, 2014, the ALJ granted a one-day extension for Staff and the OCC to file answer testimony to August 13, 2014, and granted a one-day extension for the Company to file rebuttal testimony to September 4, 2014.

9. Pursuant to Decision Nos. R14-0804-I and R14-0981-I, Staff filed the Answer Testimony of Marianne Wills Ramos on August 13, 2014.

10. Pursuant to Decision Nos. R14-0804-I and R14-0981-I, the OCC filed the Answer Testimony and Attachments of Thomas F. Dixon on August 13, 2014.

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

11. Pursuant to Decision Nos. R14-0804-I and R14-0981-I, the Company filed the Prefiled Rebuttal Testimony of Jerrad S. Hammer and the Prefiled Rebuttal Testimony and Exhibits of Michelle Moorman Applegate on September 4, 2014.

12. On September 8, 2014, the OCC filed a Notice of Substitution of Witness and Adoption of Answer Testimony.

13. On September 10, 2014, the Company filed a Motion for Administrative Notice (the "Motion for Administrative Notice"). On September 10, 2014, the Company also filed in this Proceeding a Notice of Corrected Testimony.

14. On September 11-12, 2014, representatives of the Company, Staff and the OCC conducted private and confidential meetings concerning the potential settlement of the issues raised by the Parties in this Proceeding. On September 12, 2014, counsel for the Company, Staff and the OCC informed the ALJ that they had reached a verbal agreement in principle of the issues raised by Staff and the OCC in this Proceeding. This Stipulation is the culmination of those meetings and sets forth the agreements of the Parties.

15. Pursuant to Decision No. R14-1134-I, mailed on September 15, 2014, the ALJ vacated the evidentiary hearing scheduled for September 16-17, 2014, and scheduled a hearing on this Stipulation for September 30, 2014.

**II. TERMS OF SETTLEMENT**

**A. SSIR PROJECTS, ELIGIBLE SYSTEM SAFETY AND INTEGRITY COSTS, SSIR RATE AND REFUND PLAN**

1. The Company and Staff agree, and the OCC does not oppose, that the SSIR Rate filed with Advice Letter No. 85 and made effective June 1, 2014, on an interim basis and subject to refund, shall reflect, until subsequently revised pursuant to the terms of the SSIR Tariff, the

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

Eligible System Safety and Integrity Costs of the following Projects identified in Attachment 1 to Advice Letter No. 84 (which is Exhibit MMA-8 to Ms. Moorman Applegate's Direct Testimony) and Exhibit MMA-40 to Ms. Moorman Applegate's Rebuttal Testimony.

<u>Capital Project No. 1</u>	Reroute of the Ten-Inch Pipeline at Olathe, Colorado, Near Highway 90 and Read Junction
<u>Capital Project No. 2</u>	Replace Shorted Cased Crossing at Olathe, Colorado
<u>Capital Project No. 3</u>	Roaring Fork III Project – Extend Ten-Inch Pipeline Five Miles from Aspen Valley Ranch to the Brush Creek Town Border Station (“TBS”) <sup>1</sup>
<u>Capital Project No. 4</u>	Replace Short Radius Fittings and Cased Crossing in Eight-Inch Pipeline from Read Junction to Collbran, Colorado
<u>Capital Project No. 5</u>	Telluride Lateral Pipeline – Piggability
<u>Capital Project No. 6</u>	South Pipeline – Replace Eight-Inch Pipeline at Surface Creek
<u>Capital Project No. 8</u>	Anomaly Repairs on the Pipeline between Read, Colorado and Collbran, Colorado, and the Pipeline between Glenwood Springs, Colorado and Edwards, Colorado <sup>2</sup>
<u>Capital Project No. 9</u>	12-Inch Pipeline Replacement between Rifle, Colorado and Avon, Colorado
<u>Capital Project No. 10</u>	Olathe, Colorado TBS Relocation
<u>Capital Project No. 15</u>	Centerline Survey

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<sup>1</sup> Pursuant to Original Sheet No. 147 of the SSIR Tariff, SSIR cost recovery for capital projects include only those Projects placed into service. As a result, the SSIR Rate for 2014 does not include any costs associated with Capital Project No. 3 scheduled for completion in December 2015. When the Company does include Eligible System Safety and Integrity Costs associated with Capital Project No. 3 in future SSIR Rate filings, such Eligible System Safety and Integrity Costs shall reflect a deduction of the cost differential between the cost to install a six-inch pipeline and the cost to install the ten-inch pipeline.

<sup>2</sup> The Pipeline between Glenwood Springs, Colorado and Edwards, Colorado is jointly owned by Rocky Mountain and Public Service Company of Colorado. For the portion of Capital Project No. 8 associated with the Pipeline between Glenwood Springs, Colorado and Edwards, Colorado, the Eligible System Safety and Integrity Costs in the SSIR Rate reflect only Rocky Mountain's share of the costs.

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

<u>O&amp;M Project No. 2</u>	Anomaly Repairs on the Pipeline between Read, Colorado and Collbran, Colorado, and the Pipeline between Glenwood Springs, Colorado and Edwards, Colorado <sup>3</sup>
<u>O&amp;M Project No. 3</u>	Hydrostatic Testing of the Six-Inch Pipeline between the Collbran Compressor Station and the Wolf Creek Storage Field to Measure and Verify Maximum Allowable Operating Pressure (“MAOP”)
<u>O&amp;M Project No. 4</u>	Hydrostatic Testing of the Pipeline between the Eagle TBS and the Cordillera TBS to Measure and Verify MAOP

2. The Company and Staff agree, and the OCC does not oppose, that the SSIR Rate filed with Advice Letter No. 85 and made effective June 1, 2014, on an interim basis and subject to refund, shall not reflect, until subsequently revised pursuant to the terms of the SSIR Tariff, the Eligible System Safety and Integrity Costs of the following Projects identified in Attachment 1 to Advice Letter No. 84 (which is Exhibit MMA-8 to Ms. Moorman Applegate’s Direct Testimony) and Exhibit MMA-40 to Ms. Moorman Applegate’s Rebuttal Testimony.

<u>Capital Project No. 7</u>	Replace Eight-Inch Pipeline South of Collbran Compressor Station
<u>Capital Project No. 11</u>	Installation of a Coalescing Filter at the Cordillera TBS
<u>Capital Project No. 12</u>	Installation of a Coalescing Filter at the Edwards Interconnect
<u>Capital Project No. 13</u>	Installation of a Coalescing Filter at the Glenwood Interconnect
<u>Capital Project No. 14</u>	South Pipeline – Replace Six-Inch Placerville Mainline Block Valve

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<sup>3</sup> The Pipeline between Glenwood Springs, Colorado and Edwards, Colorado is jointly owned by Rocky Mountain and Public Service Company of Colorado. For the portion of O&M Project No. 2 associated with the Pipeline between Glenwood Springs, Colorado and Edwards, Colorado, the Eligible System Safety and Integrity Costs in the SSIR Rate reflect only Rocky Mountain’s share of the costs.

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

O&M Project No. 1      Ten-Inch Pipeline Recoat Project between Read Junction  
and Olathe, Colorado

3. As stated on pages 26-28 of Mr. Hammer's Direct Testimony, the Company uncovered \$125,361 of SSIR-related expenses still being recovered in Rocky Mountain's base rates. The Company and Staff agree, and the OCC does not oppose, that the Company shall deduct \$125,361 from the total SSIR-related expenses included in the SSIR Rate filed with Advice Letter No. 85 and made effective June 1, 2014, on an interim basis and subject to refund, and from the total SSIR-related expenses requested in future SSIR filings until the Company's base rates are adjusted in its next general rate case.

4. Attachment 1 to this Stipulation presents the calculation of the SSIR Rate that reflects the resolution in Sections II.A.1 and II.A.2 of this Stipulation and in Section II.A.3 of this Stipulation as it applies to the total SSIR-related expenses included in the SSIR Rate filed with Advice Letter No. 85 and made effective June 1, 2014, on an interim basis and subject to refund.

5. The Company and Staff agree, and the OCC does not oppose, the following refund process to reflect the resolution in Sections II.A.1 and II.A.2 of this Stipulation and in Section II.A.3 of this Stipulation as it applies to the total SSIR-related expenses included in the SSIR Rate filed with Advice Letter No. 85 and made effective June 1, 2014, on an interim basis and subject to refund. Within 30 days after the effective date of a Commission order that accepts and approves this Stipulation in its entirety or that accepts and approves this Stipulation with modifications that are acceptable to and consented by the Parties, the Company shall file in this Proceeding a refund plan to reflect the resolution in Sections II.A.1 and II.A.2 of this Stipulation and in Section II.A.3 of this Stipulation as it applies to the total SSIR-related expenses included

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

in the SSIR Rate filed with Advice Letter No. 85 and made effective June 1, 2014, on an interim basis and subject to refund. The refund plan shall present the calculation of the amount of a one-time SSIR Rate bill credit to each of the Company's customers subject to the SSIR Rate and include schedules supporting that calculation. At least five business days prior to filing the refund plan, the Company shall provide to Staff and to the OCC a draft of the refund plan that it will file with the Commission, including the proposed customer notice of such refund, and workpapers supporting the calculation of such refund. Within 60 days after the effective date of a Commission order that accepts and approves this Stipulation in its entirety or that accepts and approves this Stipulation with modifications that are acceptable to and consented by the Parties, the Company shall issue the one-time SSIR Rate bill credit presented in the refund plan referenced above. Within 120 days after the effective date of a Commission order that accepts and approves this Stipulation in its entirety or that accepts and approves this Stipulation with modifications that are acceptable to and consented by the Parties, the Company shall file in this Proceeding detailed confirmation information, including information that Staff and the OCC have requested, that the one-time SSIR Rate bill credit has been issued to the Company's customers subject to the SSIR Rate.

**B. NOVEMBER 1 ANNUAL SSIR FILINGS**

1. The Company and Staff agree to, and the OCC does not oppose, the following resolution as to the format and type of pertinent information and supporting data to be provided by the Company with each advice letter it files by November 1 pursuant to Section 24.2 of its SSIR Tariff. Attached and incorporated into each such advice letter, the Company shall provide a document containing the same type of information and presented in the same general format as Exhibit MMA-40 to Ms. Moorman Applegate's Rebuttal Testimony, supplemented to include



**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

Project description, Project scope of work, a hierarchy of Projects, Project cost and Project estimated in-service date.

2. Not more than two business days after the Company files each such advice letter, the Company shall provide to Staff and to the OCC the backup documentation and information that meets the SSIR Tariff language for each Project included in the advice letter filing, organized by Project and types of backup documentation and information. That backup documentation and information shall be of the same types that the Company provided to Staff and to the OCC during the discovery phase of this Proceeding, but all Parties agree that further information can be requested by Staff and the OCC if necessary.

**C. THE OCC’S ISSUE OF WHETHER THE DEFINITION OF “SYSTEM SAFETY AND INTEGRITY PROJECTS” IN THE COMPANY’S SSIR TARIFF SHOULD BE MODIFIED**

1. The OCC will brief its position that the definition of the term “System Safety and Integrity Projects” in the Company’s SSIR Tariff should be modified.

2. The OCC’s proposed language for the definition of the term “System Safety and Integrity Projects,” as that term appears on Original Sheet Nos. 147 and 148 of the Company’s Colo. PUC No. 4 Tariff, is set forth in OCC Attachment A to this Stipulation.

3. The OCC intends to brief its position, based on the record in this Proceeding, in its Post-Hearing Statement of Position to be filed not later than October 8, 2014, and, as set forth in the Joint Motion for Approval of Stipulation and Agreement in Resolution of Proceeding, requests that this date be established by the ALJ instead of the October 3, 2014 date in Decision No. R14-0804-I. The Company and Staff intend to brief their response to the OCC’s position, based on the record in this Proceeding, in their Post-Hearing Statement(s) of Position to be filed either individually or jointly not later than October 8, 2014, as requested by the OCC.

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

4. Each Party waives oral argument on the OCC's position that the definition of the term "System Safety and Integrity Projects" in the Company's SSIR Tariff should be modified.

**D. OTHER MATTERS**

1. The Company hereby requests that the ALJ grant the withdrawal of its pending Motion for Administrative Notice. Because Staff and the OCC do not oppose the Company's request the Company respectfully requests shortened response time as determined by the ALJ. Approval of such withdrawal by the ALJ is a condition precedent agreed to among the Parties to the approval of this Stipulation.

2. Staff withdraws its pending Third Set of Data Requests to Rocky Mountain Natural Gas LLC, served September 8, 2014.

**III. GENERAL TERMS AND CONDITIONS**

1. The Parties agree to file a Joint Motion for Approval of Stipulation and Agreement in Resolution of Proceeding.

2. The Parties recognize that the ALJ has set aside September 30, 2014, for a hearing on this Stipulation. At that hearing, each Party shall present one or more witnesses who will testify to the resolution of this Proceeding achieved by this Stipulation being just and reasonable and in the public interest. The Parties agree that all pre-filed testimony and exhibits filed in this Proceeding shall be admitted into evidence without cross-examination. This Stipulation is based on compromises to the filed positions of the Parties and is specifically based on the record in this Proceeding in its entirety, including, but not limited to, the testimony and exhibits filed and admitted into evidence in this Proceeding and on the Stipulation.

3. Each Party believes that this Stipulation is a just and reasonable result from this Proceeding and is in the public interest. Each Party states that reaching agreement as set forth

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

herein by means of a negotiated settlement rather than through a formal adversarial process is in the public interest and supported by the Commission pursuant to Rules 4 CCR 723-1-1407 and 1408 of the Commission's Rules of Practice and Procedure, and that the compromises and settlements set forth in this Stipulation are in the public interest. Each Party pledges to support and defend this Stipulation in its entirety and urges the Commission to approve this Stipulation in its entirety.

4. This Stipulation shall not become effective and shall be of no force and effect unless and until the issuance of a final Commission order that accepts and approves this Stipulation in its entirety or that accepts and approves this Stipulation with modifications that are acceptable to and consented by the Parties. If such modifications are not acceptable to and consented by a Party, the Party, at its option, shall have the right to withdraw from this Stipulation.

5. Approval by the Commission of this Stipulation, either in its entirety or with modifications acceptable to and consented by the Parties, shall constitute a determination that this Stipulation, or such modified version of this Stipulation, represents a just, equitable and reasonable resolution of all issues that were or could have been raised among the Parties in this Proceeding.

6. The Parties agree that upon Commission approval of this Stipulation, either in its entirety or with modifications acceptable to and consented by the Parties, the Company shall make an advice letter filing with the Commission, on not less than two business days' notice prior to the effective date ordered by the Commission. The filing shall cite the order approving this Stipulation, or such modified version of this Stipulation, and include Third Revised Sheet No. 8 bearing the SSIR Rate set forth in Attachment 1 to this Stipulation.

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

7. The Parties agree to a waiver of compliance with any requirements of the Commission's Rules and Regulations to the extent necessary to permit all provisions of this Stipulation to be carried out and effectuated.

8. This Stipulation may be executed in counterparts, each of which when taken together shall constitute the entire Stipulation.

9. For those Parties for whom this Stipulation is executed by counsel, such counsel states that (s)he has authority to execute this Stipulation on behalf of his/her client.

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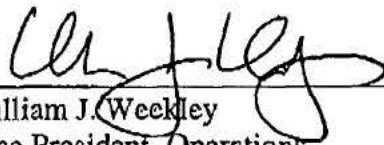
**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

DATED this 17<sup>th</sup> day of September, 2014.

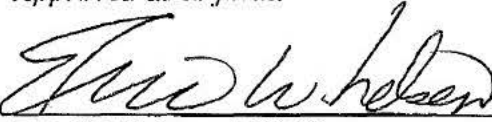
Respectfully submitted,

**ROCKY MOUNTAIN NATURAL GAS LLC**

By: \_\_\_\_\_

  
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Vice President, Operations  
SourceGas LLC  
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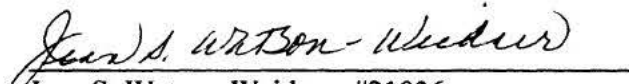
Attorneys for Rocky Mountain Natural Gas LLC

**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

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

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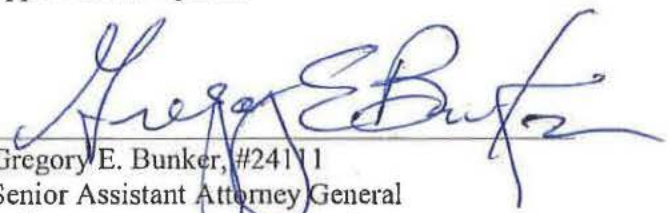
**Stipulation and Agreement in Resolution of Proceeding  
Rocky Mountain Natural Gas LLC, Proceeding No. 14AL-0285G  
September 17, 2014**

**COLORADO OFFICE OF CONSUMER  
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