

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

PROCEEDING NO. 19AL-0309G

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IN THE MATTER OF ADVICE LETTER NO. 949-GAS FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REQUEST APPROVAL TO ELIMINATE THE CURRENTLY EFFECTIVE 24.19 PERCENT GENERAL RATE SCHEDULE ADJUSTMENT (“GRSA”) AND PLACE INTO EFFECT REVISED BASE RATES FOR ALL GAS RATE SCHEDULES THAT WILL REPLACE AND SUPERSEDE THE CURRENTLY EFFECTIVE BASE RATES TO BECOME EFFECTIVE JULY 1, 2019.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
STEVEN H. DENMAN  
FURTHER SUSPENDING EFFECTIVE  
DATE OF FILED TARIFF SHEETS,  
ON INTERVENTIONS, SCHEDULING  
PREHEARING CONFERENCE, SETTING  
RESPONSE TIMES TO VARIOUS  
MOTIONS, AND GIVING ADVISEMENTS**

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Mailed Date: July 22, 2019

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**I. STATEMENT****A. Procedural History.**

1. On May 31, 2019, Public Service Company of Colorado (Public Service or the Company) filed with the Colorado Public Utilities Commission (Commission) Advice Letter No. 949-Gas, accompanying tariff sheets, and supporting testimony and attachments. The proposed effective date on the filed tariffs was July 1, 2019. The Company also requested that the Commission set a hearing on the proposed rates and tariff changes and thereby suspend the effective date of the proposed tariffs. This filing commenced Public Service's 2019 Gas Phase II rate case.

2. On May 31, 2019, Public Service also filed a Motion for Alternative Form of Notice, seeking Commission approval of certain alternative forms of notice to apply to the Company's Advice Letter No. 949-Gas. In Decision No. C19-0484-I (mailed on June 11, 2019), the Commission approved Public Service's request to use the following alternative forms notice to affected customers by: (a) filing the proposed tariff changes with the Commission and keeping them open for public inspection; (b) publishing a legal notice in *The Denver Post* for two consecutive Sundays (June 9 and 16, 2019); (c) posting a copy of the filing (Advice Letter, tariffs, testimony, and attachments) on the Company's website; and (d) providing the notice as a bill insert with all of the Company's gas bills.<sup>1</sup>

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<sup>1</sup> On June 18, 2019, Public Service filed an Affidavit of Completion of Notice, confirming that the legal notice approved by Decision No. C19-0484-I had been published in the Legal Classified Section of *The Denver Post* on June 9 and June 16, 2019.

3. In the Advice Letter, the Company states that the primary purposes of this filing are to request approval to: eliminate the currently effective 24.19 percent General Rate Schedule Adjustment (GRSA)<sup>2</sup> and place into effect revised base rates for all gas rate schedules that will replace and supersede the currently effective base rates in the Company's Colorado P.U.C. No. 6 – Gas Tariff;<sup>3</sup> implement other revised rates and charges, including transportation-related rates and charges; add charges for customer data privacy reports to the Schedule of Charges for Rendering Service; revise and update the transportation terms and conditions and related rate schedule provisions in order to better align with industry standards and Public Service's operational requirements, including the addition of National American Energy Standards Board nomination procedures, a new Shipper Daily Balancing option, and Monthly Cashout requirements; and make other changes to the Company's Gas Tariff.<sup>4</sup>

4. Public Service states that the base rate revenue deficiency approved after the conclusion of the Tax Cut and Jobs Act phase of the Company's 2017 Gas Phase I rate case was \$21,982,981.<sup>5</sup> The associated revenue requirement from the 2017 Gas Phase I rate review was \$474,187,044, which was based on a 2016 Historical Test Year. With the addition of the Pipeline Safety Integrity Adjustment Projects Base Amount of \$4,263,980 established in the Company's 2015 Gas Phase I rate case (Proceeding No. 15AL-0135G), the total net revenue requirement included in the updated Class Cost of Service Study (CCOSS) in this filing is

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<sup>2</sup> According to the Company, during the course of the proceeding, the GRSA is expected to be temporarily reduced to 16.04 percent effective July 1, 2019 to refund excess provisional rates collected during the earlier portion of the Company's 2017 Gas Phase I (Proceeding No. 17AL-0363G). However, this refund period will be temporary and is expected to expire prior to the requested implementation of final rates in this Gas Phase II on March 1, 2020, such that the GRSA at the time final rates go into effect will again be 24.19 percent. Advice Letter No. 949-Gas, p. 14, Fn. 1.

<sup>3</sup> According to the Company, this excludes Schedule TF-FRP Surcharge and Schedule TI-FRP Surcharge. Advice Letter No. 949-Gas, p. 14, Fn. 2.

<sup>4</sup> Advice Letter No. 949-Gas, p. 14.

<sup>5</sup> *Id.*, p. 14, Fn. 3. See Decision No. C18-1158 issued in Proceeding No. 17AL-0363G, at paragraph 76.

\$473,771,840.<sup>6</sup> The current Commission-approved GRSA of 24.19 percent includes \$4,544,839 more annually than is required to collect the Company's revenue requirement, with this additional amount applied to the Company's legacy prepaid pension asset. According to the Company, this additional amount will no longer be collected from customers when final rates go into effect in this Gas Phase II.<sup>7</sup>

5. The revised base rates are based on an updated CCOSS, and on rate design principles explained in the Company's supporting Direct Testimony and Attachments that accompanied the Company's rate case filing. According to the Company, the rate design has not fundamentally changed from the rate design underlying current base rates, with the exception that the Company is proposing to require its transportation customers to contribute to the Public Service Gas Affordability Program (GAP); the Service and Facilities charge for each transportation rate schedule includes a monthly GAP charge designed to contribute an additional approximate amount of \$150,000 annually to that program in total.<sup>8</sup>

6. The Company provided the dollar and percentage bill impacts under the major rate schedules in a table in the Advice Letter. The percentage bill impacts ranged from a negative 5.7 percent for the Small Firm Transportation class to 1.8 percent for the Large Commercial class. If the filed tariffs were to be approved, the Residential (RG) class would receive an increase of 0.7 percent, while the Small Commercial (CSG) class would have a decrease of 1.9 percent. According to the Company, these bill impacts are based upon differences between the Company's proposed base rates and the base rates (inclusive of the

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<sup>6</sup> According to the Company, the total net revenue requirement included in the updated CCOSS does not include Other Revenues of \$4,679,184. Advice Letter No. 949-Gas, p. 14, Fn. 4.

<sup>7</sup> This statement is based on a requested March 1, 2020 effective date. Advice Letter No. 949-Gas, p. 15, Fn. 5.

<sup>8</sup> Advice Letter No. 949-Gas, p. 15.

24.19 percent GRSA) currently in effect as of May 31, 2019, with all riders being held constant at their levels as of May 31, 2019.<sup>9</sup>

7. According to the Company, on an annual basis, the proposed base rates are designed to collect \$4,544,839 less than the current base rates and 24.19 percent GRSA and to collect, from transportation customers, approximately \$150,000 more on an annual basis for GAP contributions. The Company asserts that it is unknown how the remaining changes to the Schedule of Charges for Rendering Service, transport ancillary service options and charges, and the proposed tariff changes, including the addition of the Shipper Balancing option and Monthly Cashout requirements, may affect the Company's annual revenues or the Gas Cost Adjustment, because any such changes are dependent upon the future transportation customer imbalance option selection, balancing performance, cashouts, overruns, and use of ancillary transportation services or services charged under the Schedule of Charges for Rendering Service.<sup>10</sup>

8. The broader tariff changes proposed by the Company in this filing are reflected in the tariff sheets attached to the Advice Letter and by the supporting Direct Testimony and Attachments of its witnesses. According to the Company, the transportation portions of the Gas Tariff have not been updated in many years, and the majority of the proposed tariff changes are transportation-related. The revisions to the transportation-related portions of the tariff range from substantive operational and service-related changes to clarifying and housekeeping changes, intended to streamline, reorganize, and simplify the

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*, p. 18.

tariff provisions. The Company also proposes additional non-transportation related tariff changes. The Advice Letter summarized the primary proposed revisions to the Gas Tariff.<sup>11</sup>

9. By Decision No. C19-0541 (mailed on June 20, 2019), pursuant to § 40-6-111(1), C.R.S. (2019), the Commission set for hearing the tariffs filed with Advice Letter No. 949-Gas and thereby suspended their effective date for 120 days from the proposed effective date, or until October 29, 2019. The Decision also referred the matter to an Administrative Law Judge (ALJ) to set hearing dates, to rule on interventions, and to establish other procedures by separate decisions. Subsequently, the undersigned ALJ was assigned to preside over this Proceeding.

**B. Further Suspension of the Effective Date of the Filed Tariffs.**

10. As noted *supra*, on May 31, 2019, the Company filed Advice Letter No. 949-Gas, accompanying tariff sheets, and supporting direct testimony and attachments. While the proposed effective date on the filed tariffs was July 1, 2019, the Company requested in the Advice Letter that the Commission set for hearing and suspend the tariffs, with a requested effective date of March 1, 2020. In Decision No. C19-0541, the Commission suspended the effective date of the filed tariff sheets for 120 days, or until October 29, 2019.

11. Pursuant to § 40-6-111(1)(b), C.R.S. (2019),<sup>12</sup> the Commission now has the discretion to suspend the effective date of the tariff sheets by separate order for an additional 130 days, that is for a maximum period of 250 days or until March 7, 2020.

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<sup>11</sup> *Id.*, pp. 16 and 17.

<sup>12</sup> Section 40-6-111(1)(b), C.R.S., was amended, effective on May 30, 2019, to give the Commission the discretion to extend the 120-day period of suspension of the effective date of filed tariffs by an additional 130 days. *See* Senate Bill 19-235, Section 17, at page 32; signed into law by Governor Jared S. Polis and effective on May 30, 2019.

12. Public Service's request for an anticipated effective date of March 1, 2020, and because a procedural schedule has not yet been proposed or adopted, the ALJ anticipates that a final Commission decision could not be issued in this Proceeding until after the expiration of the initial 120-day suspension period.

13. Pursuant to § 40-6-111(1), C.R.S. (2019), therefore, by this Interim Decision the ALJ will further suspend the effective date of the tariff sheets filed with Advice Letter No. 949-Gas to and including **March 7, 2020**. If the Commission does not establish new rates by that date, the tariff sheets that accompanied Advice Letter No. 949-Gas may become effective prospectively.

### **C. Interventions.**

#### **1. Interventions as of Right.**

14. Decision No. C19-0541 established an intervention deadline for 30 days after the mailed date of the Decision, or no later than July 22, 2019.<sup>13</sup> Rule 1401(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, governs interventions as of right and states in pertinent part: "A notice of intervention as of right, unless filed by Commission staff, shall state the basis for the claimed legally protected right that may be affected by the proceeding."<sup>14</sup>

15. On July 1, 2019, the Colorado Office of Consumer Counsel (OCC) filed a Notice of Intervention, Request for Hearing, and Notice of Entry of Appearance (OCC's Intervention).

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<sup>13</sup> Since the 30-day deadline for filing interventions, ordered in Decision No. C19-0541, fell on Saturday, July 20, 2019, the deadline was extended by operation of law until the next business day, or until Monday, July 22, 2019. Section 40-6-121, C.R.S.

<sup>14</sup> The rules permit Commission Staff to intervene as of right in any proceeding. See Rule 1401(d), 4 CCR 723-1.

OCC's Intervention is of right and summarizes its concerns regarding several issues raised by the proposed rate designs and tariff revisions.

16. OCC's Intervention as of right is acknowledged. OCC became a Party to this Proceeding on July 1, 2019.

17. On July 9, 2019, Trial Staff of the Colorado Public Utilities Commission (Staff) filed a Notice of Intervention as of Right by Staff, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401 and Request for Hearing (Staff's Intervention). Staff's Intervention summarizes several issues it intends to address in this Proceeding.

18. Staff's intervention as of right is acknowledged. Staff became a Party to this Proceeding on July 9, 2019.

19. As of the mailed date of this Decision, Public Service, OCC, and Staff are the only Parties to this Proceeding.

## **2. Permissive Interventions.**

20. Several interested persons filed motions for permissive intervention, pursuant to Rule 1401(c) of the Rules of Practice and Procedure, 4 CCR 723-1, which states the minimum standards for permissive intervention in Commission proceedings and requires that:

A motion to permissively intervene shall state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. *The motion must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant's interests would not otherwise be adequately represented. ...* Subjective, policy, or academic interest in a proceeding is not a sufficient basis to intervene. Motions to intervene by permission will not be decided prior to expiration of the notice period.

(Emphasis added.)

21. On July 5, 2019, Energy Outreach Colorado (EOC), through its counsel, filed a Motion to Intervene and Entry of Appearance (EOC Intervention). Pursuant to Rule 1400(b) of the Rules of Practice and Procedure, 4 CCR 723-1, “the responding party shall have 14 days after service of [a] motion, or such lesser or greater time as the Commission may allow, in which to file a response.” EOC’s Intervention was served on counsel for Public Service through the Commission’s E-filing System.<sup>15</sup> Hence, Public Service’s response to EOC’s Intervention was due on or before July 19, 2019.

22. Public Service failed to file a timely response to EOC’s Intervention, nor did it file for an extension of time to respond. Pursuant to Rule 1400(d) of the Rules of Practice and Procedure, 4 CCR 723-1, “The Commission may deem a failure to file a response as a confession of the motion.” EOC’s Intervention will be deemed unopposed by Public Service.

23. The ALJ has reviewed the pleading and finds that EOC’s Intervention satisfies the standards for permissive intervention of Rule 1401(c), 4 CCR 723-1. EOC’s Intervention will be granted. EOC is a permissive intervenor in this proceeding.

24. On July 11, 2019, Atmos Energy Corporation (Atmos), through counsel, filed a Motion to Permissively Intervene (Atmos’ Intervention). Atmos is a large gas transportation customer of Public Service. Atmos’ Intervention was served electronically on counsel for Public Service.<sup>16</sup> Pursuant to Rule 1400(b), 4 CCR 723-1, Public Service’s response to Atmos’ Intervention **is due on or before July 25, 2019.**

25. On July 16, 2019, WoodRiver Energy, LLC (WoodRiver), through counsel, filed a Motion to Intervene (WoodRiver’s Intervention). WoodRiver is a gas transportation customer of

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<sup>15</sup> EOC Intervention, Certificate of Service at page 6.

<sup>16</sup> Atmos Intervention, Certificate of Service at page 5.

Public Service. WoodRiver's Intervention was served electronically on counsel for Public Service.<sup>17</sup> Pursuant to Rule 1400(b), 4 CCR 723-1, Public Service's response to WoodRiver's Intervention would be due on or before July 30, 2019.

26. On July 19, 2019, Colorado Natural Gas (CNG), through counsel, filed a Notice of Intervention as of Right and Motion to Intervene (CNG's Intervention).<sup>18</sup> CNG is a gas transportation customer of Public Service. CNG's Intervention was served on counsel for Public Service through the Commission's E-Filing System.<sup>19</sup> Pursuant to Rule 1400(b), 4 CCR 723-1, Public Service's response to CNG's Intervention would be due on or before August 2, 2019.

27. On July 19, 2019, Tiger Natural Gas, Inc. (Tiger), through counsel, filed a Supplemented Motion for Intervention by Permission [and] Notice of Entries of Appearance of Counsel (Tiger's Intervention).<sup>20</sup> Tiger states that it supplies natural gas and electricity to over 43,000 customers in 18 states, including Colorado, and partners with the Company to distribute natural gas to its customers. Tiger claims to be a customer of Public Service.<sup>21</sup> Tiger's Intervention was served electronically on counsel for Public Service.<sup>22</sup> Pursuant to Rule 1400(b), 4 CCR 723-1, Public Service's response to Tiger's Intervention would be due on or before August 2, 2019.

28. On July 19, 2019, Climax Molybdenum Company (Climax), through counsel, filed a Motion to Intervene (Climax's Intervention). Climax is a gas transportation customer of

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<sup>17</sup> WoodRiver's Intervention, Certificate of Service at pages 4 and 5.

<sup>18</sup> Contrary to its assertion, CNG does not have a statutory or other lawful right to intervene as of right. Therefore, CNG's Intervention will be treated as a motion for permissive intervention.

<sup>19</sup> CNG's Intervention, Certificate of Service at page 4.

<sup>20</sup> On June 20, 2019, Tiger filed an intervention pleading that it believes was prematurely filed the same day the Commission issued Decision No. C19-0541 establishing the intervention deadline. Hence, Tiger decided to file the supplemented intervention pleading on July 19, 2019. (Tiger's Intervention at pages 1 and 2.)

<sup>21</sup> Tiger's Intervention at page 2.

<sup>22</sup> Atmos Intervention, Certificate of Service at page 5.

Public Service. Climax's Intervention was served on counsel for Public Service through the Commission's E-Filing System.<sup>23</sup> Pursuant to Rule 1400(b), 4 CCR 723-1, Public Service's response to CNG's Intervention would be due on or before August 2, 2019.

29. Pursuant to Rule 1400(b) of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission and this ALJ have the discretion to shorten the time to less than 14 days for filing responses to motions. The time for Public Service to file responses to the following motions for permissive intervention is shortened **to Monday July 29, 2019**: WoodRiver's Intervention; CNG's Intervention; Tiger's Intervention; and Climax's Intervention.

**D. Motion for Protective Order.**

30. On May 31, 2019, Public Service also filed a Motion for a Protective Order Affording Extraordinary Protection for Highly Confidential Customer Information (Motion for Protective Order). As of the date of this Decision, no response has been filed to the Motion for Protective Order. The merits of the Motion for Protective Order will be addressed in a separate interim decision.

31. Pursuant to Rule 1400(b) of the Rules of Practice and Procedure, 4 CCR 723-1, "the responding party shall have 14 days after service of [a] motion, or such lesser or greater time as the Commission may allow, in which to file a response." When the Motion for Protective Order was filed on May 31, 2019, Public Service was the only Party to this Proceeding. The Motion for Protective Order was filed through the Commission's E-filing System, and any interested persons filing intervention pleadings would have had notice of its filing by reviewing the Proceeding Detail page for this Proceeding in the E-filing System. Pursuant to Rule 1400(b), responses to the Motion for Protective Order would have been due by June 14, 2019. However,

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<sup>23</sup> Climax's Intervention, Certificate of Service at page 4.

OCC and Staff, the intervenors as of right, became Parties on the dates they filed their Interventions as of right – OCC became a Party on July 1, 2019 and Staff became a Party on July 9, 2019. Because it would be unfair to require OCC and Staff to file responses to the Motion for Protective Order before they became Parties, OCC and Staff will have until **no later than 5:00 p.m. on Friday, July 26, 2019**, within which to file responses, if they wish, to the Motion for Protective Order.

32. The ALJ will extend the time for EOC and the putative permissive intervenors (*i.e.*, Atmos, WoodRiver, CNG, Tiger, and Climax) to file responses to the Motion for Protective Order to **no later than 5:00 p.m. on Friday, July 26, 2019**.

**E. Prehearing Conference.**

33. Decision No. C19-0541, Ordering Paragraph No. 2 at page 7, directed the ALJ to set a hearing date, to rule on interventions, and to establish other procedures by separate decisions.

34. In anticipation of scheduling an evidentiary hearing, the undersigned ALJ will set a prehearing conference after the close of the intervention deadline, in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 CCR 723-1. The prehearing conference will be scheduled for **August 1, 2019 at 1:30 p.m.**

35. *At the prehearing conference*, the Parties<sup>24</sup> must be prepared to discuss: (a) the date by which each intervenor will file answer testimony and attachments; (b) the date by which

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<sup>24</sup> Technically, the Company, OCC, Staff, and EOC are the Parties to this Proceeding as of the Mailed Date of this Decision. Other interested persons who have filed motions for permissive intervention by the July 22, 2019 deadline should appear at the prehearing conference. The ALJ anticipates ruling on their motions for permissive intervention before the prehearing conference or as the first item of business at the prehearing conference. The requirements and advisements of this Decision will apply not only to the Company and exiting intervenors, but also to any persons who may subsequently become parties to this Proceeding.

Public Service will file rebuttal testimony and attachments; (c) the date by which each intervenor may file cross-answer testimony and attachments;<sup>25</sup> (d) the date by which each party will file corrected testimony and attachments;<sup>26</sup> (e) the date by which each party will file prehearing motions, other than motions relating to discovery, but including any dispositive motions, motions *in limine*, or motions to strike;<sup>27</sup> (f) whether a final prehearing conference is necessary and, if it is, the date for that prehearing conference; (g) the date by which the parties will file any stipulations or a settlement agreement;<sup>28</sup> (h) the date(s) for the evidentiary hearing, including a statement of how many days the parties will need to try this case; and (i) the date by which each party will file its post-hearing statement of position (statements of position will be simultaneous and no responses will be permitted).<sup>29</sup>

36. The following page limits on statements of position will be imposed: The statement of position to be filed by Public Service may not exceed 60 pages in length, exclusive of a table of contents and appendices; the statement of position to be filed by each intervenor may not exceed 30 pages in length, exclusive of a table of contents and appendices. If any intervenors file joint statements of position, the foregoing 30-page limit will apply to all joint statements of position.

37. Absent the filing of an amended advice letter changing the effective date of the proposed tariff sheets, the Commission decision in this Proceeding must issue no later than

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<sup>25</sup> Cross-answer testimony shall respond only to the answer testimony of another intervenor.

<sup>26</sup> Filing of corrections is limited to correcting errors (*e.g.*, mathematical errors, typographical errors) in the testimonies or attachments as filed. Without leave of the ALJ, corrections may not be used for any other purpose (*e.g.*, to make material or substantive changes to prefiled testimony or attachments).

<sup>27</sup> This date shall be at least 21 calendar days before the first day of the hearing.

<sup>28</sup> This date shall be at least ten business days before the first day of hearing.

<sup>29</sup> Post-hearing statements of position shall be filed no later than 21 calendar days from the conclusion of the evidentiary hearing.

**March 7, 2020.** To allow time for statements of position, the recommended decision, exceptions, responses to exceptions, and a Commission decision on exceptions, the **evidentiary hearing in this matter must be *concluded* no later than November 18, 2019.**

38. *At the prehearing conference,* the Parties must be prepared to discuss any matter pertaining to discovery if the procedures and timeframes contained in Rule 1405, 4 CCR 723-1 are not sufficient.

39. *At the prehearing conference,* the Parties must be prepared to discuss any matter pertaining to the treatment of information claimed to be confidential if the procedures and timeframes contained in Rules 1100 and 1101, 4 CCR 723-1, are not adequate. This discussion will include the treatment of additional information for which extraordinary protection may be sought, assuming that there may be such additional information.

40. *At the prehearing conference,* a party may raise any additional issue relevant to this Proceeding.

41. The parties must consult prior to the prehearing conference with respect to the matters to be discussed at the prehearing conference and are encouraged to present, if possible, a consensus procedural schedule and hearing date(s) that are acceptable to all parties. The ALJ will order the Company to coordinate these discussions.

42. If the Parties are able to reach agreements on a consensus procedural schedule, hearing date(s), and the other procedural matters addressed in this Decision, the ALJ encourages the Company to make a filing **no later than July 29, 2019**, stating those agreements. Alternatively, the Company may present a consensus procedural schedule, hearing date(s), and the other procedural matters at the prehearing conference.

43. **The parties are advised, and are on notice, that** the ALJ will deem a Party's (or an interested person who has filed a motion for permissive intervention) failure to attend or to participate in the prehearing conference to be a waiver of that Party's (or interested person's) objection to the rulings made, the procedural schedule established, and the hearing dates scheduled during the prehearing conference.

**F. Other Advisements.**

44. **The Parties are advised that** an order may issue requiring that the presentation of evidence at the hearing shall be done through electronic exhibits to the fullest extent possible, with the exception of exhibits to be used for impeachment or rebuttal.

45. **The Parties are advised, and are on notice, that** they must be familiar with, and abide by, the Rules of Practice and Procedure, 4 CCR 723 Part 1. These Rules are available on-line at [www.dora.colorado.gov/puc](http://www.dora.colorado.gov/puc) and in hard copy format from the Commission.

46. At this point in the Proceeding, all Parties are represented by counsel. The ALJ calls counsels' attention to the requirement of Rule 1202(d), 4 CCR 723-1, that, "[e]very *pleading* of a party represented by an attorney shall be signed by the attorney, and *shall state* the attorney's address, telephone number, e-mail address, and attorney registration number." (Emphasis supplied.) **The Parties are advised, and are on notice, that** filings must comply with this requirement<sup>30</sup> and with the other requirements found in the Commission's rules pertaining to filings made with the Commission.

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<sup>30</sup> During the course of this Proceeding, the ALJ may have occasion to inform counsel, on short notice, of his rulings. The ALJ will make such notifications by e-mail and will rely solely on signature blocks of pleadings for the appropriate e-mail addresses. If any counsel's email address changes during the pendency of this Proceeding, please promptly update it with the Commission.

47. **The Parties are advised, and are on notice, that** timely filing with the Commission means that the Commission *receives* the filing by the due date. Thus, if a document is placed in the mail on the date on which the document is to be filed, then the document is *not* filed timely with the Commission. Pleadings and other documents are filed with the Commission either by using the E-filings System, or by filing the original of a paper document along with three copies. Emailing pleadings and other documents to the ALJ, the Commissioners, the Director of the Commission, or other employees of the Commission **does not** constitute a proper filing under Rule 1204 of the Rules of Practice and Procedure, 4 CCR 723-1.

48. **Each Party is specifically advised** that all filings with the Commission must also be served upon counsel for all other Parties, in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

49. **Each Party is specifically advised** that, pursuant to Rule 1400(b) of the Rules of Practice and Procedure, 4 CCR 723-1, in this proceeding responding Parties (*i.e.*, the Parties that did not file a motion) have the procedural right to file a written response to motions within 14 days after service of the motion, unless that time is shortened by the Commission or the ALJ.

50. **The Parties are advised, and are on notice, that** the Commission has an E-Filings System available. If a party and/or its counsel are not registered to use the E-Filings System, they are requested to register at [www.dora.colorado.gov/puc](http://www.dora.colorado.gov/puc).

51. Other advisements may be provided in subsequent Interim Decisions.

## II. ORDER

### A. It Is Ordered That:

1. Pursuant to § 40-6-111(1), C.R.S. (2019), as amended, the effective date of the tariff sheets filed by Public Service Company of Colorado (Public Service) with Advice Letter No. 949-Gas on May 31, 2019, are suspended for an additional 130 days for a total of 250 days; that is, to and including March 7, 2020.

2. A prehearing conference in this proceeding is scheduled as follows:

DATE: August 1, 2019  
TIME: 1:30 p.m.  
PLACE: Commission Hearing Room  
1560 Broadway, 2nd Floor  
Denver, Colorado

3. Consistent with the discussion and findings *supra*, the matters identified in this Interim Decision will be discussed at the prehearing conference. Those attending the prehearing conference must be prepared to address those matters and must have authority to agree to a procedural schedule, to the resolution of all procedural matters, and to evidentiary hearing dates.

4. Failure of a Party or its counsel to attend or to participate in the prehearing conference shall constitute a waiver of any objection to the rulings made, to the procedural schedule established, and to the hearing dates scheduled during the prehearing conference.

5. Consistent with the discussion above, counsel for Public Service shall consult prior to the prehearing conference with counsel for the intervenor(s), or with counsel for persons who have filed intervention pleadings prior to the July 22, 2019 deadline, regarding the procedural schedule, hearing date(s), and the other procedural matters addressed in this Decision. Counsel for Public Service shall coordinate those discussions.

6. If the Parties are able to reach agreements on a consensus procedural schedule, hearing date(s), and the other procedural matters addressed in this Decision, counsel for Public Service may make a filing no later than July 29, 2019, stating those agreements. Alternatively, counsel for Public Service may present at the prehearing conference a consensus procedural schedule, hearing date(s), and any agreements on the other procedural matters.

7. The intervention as of right by the Colorado Office of Consumer Counsel (OCC), filed on July 1, 2019, is acknowledged.

8. The intervention as of right by Trial Staff of the Colorado Public Utilities Commission (Staff), filed on July 9, 2019, is acknowledged.

9. The Motion to Intervene filed on July 5, 2019, by Energy Outreach Colorado (EOC) is granted.

10. Pursuant to Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, the response time is shortened to no later than 5:00 p.m., Monday July 29, 2019, for Public Service to file responses to the motions for permissive intervention filed by the following interested persons: WoodRiver Energy, LLC (WoodRiver); Colorado Natural Gas (CNG); Tiger Natural Gas, Inc. (Tiger); and Climax Molybdenum Company (Climax).

11. OCC and Staff will have until no later than 5:00 p.m. on Friday, July 26, 2019, within which to file responses, if they wish, to the Motion for Protective Order.

12. Pursuant to Rule 1400(b), 4 CCR 723-1, the response time is shortened to no later than 5:00 p.m. on Friday, July 26, 2019, for OCC and Staff to file responses to the Motion for a Protective Order Affording Extraordinary Protection for Highly Confidential Customer Information (Motion for Protective Order) filed by Public Service on May 31, 2019.

13. Pursuant to Rule 1400(b), 4 CCR 723-1, the response time is extended to later than 5:00 p.m. on Friday, July 26, 2019, for EOC, Atmos Energy Corporation, WoodRiver, CNG, Tiger, and Climax to file responses to the Motion for Protective Order.

14. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director