

Decision No. R19-0675-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19AL-0309G

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.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
GRANTING THE MOTION FOR LIMITED
RELIEF FROM DECISION NO. R19-0628-I**

Mailed Date: August 7, 2019

I. STATEMENT

1. On May 31, 2019, Public Service Company of Colorado (Public Service) 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. Public Service 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. 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)

for disposition. Subsequently, the undersigned ALJ was assigned to preside over this Proceeding.

3. Pursuant to § 40-6-111(1)(b), C.R.S. (2019), Decision No. R19-0622-I (mailed on July 22, 2019), the ALJ suspended the effective date of the tariff sheets filed with Advice Letter No. 949-Gas for an additional 130 days, or until March 7, 2020.

4. The procedural history of the above-captioned Proceeding is set forth in Decisions previously issued in this Proceeding and is repeated here as necessary to put this Decision into context.

5. Pursuant to Decision No. R19-0622-I, a prehearing conference in this Proceeding was held on August 1, 2019. Decision No. R19-0660-I (mailed on August 2, 2019) adopted a procedural schedule for the litigation of this Proceeding, set an evidentiary hearing for November 14, 15, and 18, 2019 (November 19th has been reserved if needed), and addressed other procedural matters.

6. Decision No. R19-0628-I (mailed on July 24, 2019) established procedures for the filing and presentation of electronic exhibits and confidential information during the evidentiary hearing, as well as the filing and presentation of revised hearing exhibits. That Decision *inter alia* requires Public Service to file its previously pre-filed hearing exhibits, in electronic pre-marked executable versions, per the instructions set forth in the Decision, by August 7, 2019.¹

7. Decision No. R19-0628-I also requires that:

Should a party need to modify, amend, supplement, or correct a previously identified hearing exhibit on or before the deadline for filing corrections as set forth in the procedural schedule and more than three business days prior to

¹ Decision No. R19-0628-I, Ordering Paragraph 3 at page 11.

hearing, a complete revision including all changes in redline/strikeout format shall be filed.²

8. On August 6, 2019, Public Service filed a Motion for Limited Relief from Interim

Decision No. R19-0628-I (Motion), requesting:

- 1) To be relieved from any obligation to file redlined/strikeout formats of Attachments NMH-1C Rev. 1 and NMH-1 Rev. 1,³ or any subsequently filed revised hearing exhibits, or attachments to hearing exhibits that were initially prepared in or converted from Excel format. Public Service seeks permission to instead file a “clean” (non-redlined) revised version of this type of hearing exhibit, with the revision reference number in the document’s title and header.
- 2) To include an additional notice attachment (as a secondary document) identifying changes in each revision of a previously-filed spreadsheet or pdf version of that spreadsheet, regardless of the “Rev.” number and regardless of whether the corrections were filed prior to or less than three business days before the evidentiary hearing.
- 3) To be relieved from the requirement to file Attachment SWW-4 and Attachment SWW-5 to the Direct Testimony of Steven W. Wishart in their original executable electronic file format in Microsoft Word.

9. As for the first two requests, Public Service asserts that “it is not possible to show meaningful redlining or strikeouts in an Excel document, in part because of the limitations of the software program and in part because of the internal formulas that often exist in Excel documents.”⁴ The offer to include the additional notice is intended to comply with the requirements of Decision No. R19-0628-I, Paragraphs 24 and 26, at pages 7 and 8.⁵

10. As for the third request, Public Service asserts that Attachments SWW-4 and SWW-5 to the Direct Testimony of Steven W. Wishart were compiled using pdf versions only, combining a number of tariff sheets that are maintained in separate Microsoft Word

² *Id.*, Paragraph I.F.23 at page 7.

³ Attachments NMH-1C Rev. 1 and NMH-1 Rev. 1 to Hearing Exhibit 101, the Direct Testimony and Attachments of N. Mason Harrison, were filed electronically by Public Service on July 16, 2019.

⁴ Motion, ¶ 4 at page 3.

⁵ Motion, ¶ 5 at pages 3 and 4.

(Word) documents. As a result, Public Service avers, there is no single Word version of these particular attachments. To the extent any corrections to these particular attachments are needed in the future, Public Service commits to provide redline/strikeout versions in pdf format, as required by Decision No. R19-0628-I.⁶

11. Pursuant to Rule 1400(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, Public Service conferred with counsel for the other Parties to the case. Public Service reports that the following Parties do not oppose the Motion: Atmos Energy Corporation, Black Hills Colorado Gas, Inc., Climax Molybdenum Company, Colorado Natural Gas, Inc., Energy Outreach Colorado, Tiger Natural Gas, Inc., Trial Staff of the Commission, and WoodRiver Energy, LLC. The Colorado Office of Consumer Counsel (OCC) does not oppose the Motion as it relates to the redline/strikeout requirement (Requests 1 and 2), but was unable to respond regarding Request 3 due to unavailability of its counsel.⁷

12. Since Public Service was ordered to re-file its hearing exhibits on August 7, 2019, time is of the essence in ruling on the Motion. The ALJ is satisfied that Public Service has shown good cause for granting the relief requested in the Motion. Public Service will be granted the relief it seeks from the requirements of Decision No. R19-0628-I.

13. The third request, relating to Attachments SWW-4 and SWW-5 to the Direct Testimony of Steven W. Wishart, is not sufficiently controversial to delay ruling on that portion of the Motion until OCC can advise the ALJ of its position. Thus, the ALJ finds that the Motion is effectively unopposed. Therefore, response time to the Motion will be waived.

⁶ Motion, ¶ 8 at page 4.

⁷ Motion, at page 2.

II. ORDER

A. It Is Ordered That:

1. Pursuant to Rule 1308(c) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, response time to the Motion for Limited Relief from Interim Decision No. R19-0628-I, filed on August 6, 2019 by Public Service Company of Colorado (Public Service) is waived.

2. Public Service is granted relief from the following procedural requirements of Decision No. R19-0628-I (mailed on July 24, 2019):

- a. The obligation to file redlined/strikeout formats of Attachments NMH-1C Rev. 1 and NMH-1 Rev. 1, or any subsequently filed revised hearing exhibits, or attachments to hearing exhibits that were initially prepared in or converted from Excel format. Public Service shall instead file a “clean” (non-redlined) revised version of Attachments NMH-1C Rev. 1 and NMH-1 Rev. 1, and of this type of hearing exhibit, with the revision reference number in the document’s title and header.
- b. The requirement to file Attachment SWW-4 and Attachment SWW-5 to the Direct Testimony of Steven W. Wishart in their original executable electronic file format in Microsoft Word. To the extent any corrections to Attachment SWW-4 and Attachment SWW-5 are needed in the future, Public Service shall provide redline/strikeout versions in pdf format, as required by Decision No. R19-0628-I.

3. Public Service shall include an additional notice attachment (as a secondary document) identifying all changes in each revision of a previously-filed spreadsheet or pdf version of that spreadsheet, regardless of the “Rev.” number and regardless of whether the corrections were filed prior to or less than three business days before the evidentiary hearing.

4. 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