

Decision No. R19-0817-I

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

PROCEEDING NO. 19A-0352G

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IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC. FOR APPROVAL OF A QUALITY OF SERVICE PLAN.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
ROBERT I. GARVEY  
ADOPTING PROCEDURAL SCHEDULE**

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Mailed Date: October 4, 2019

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**I. STATEMENT**

1. As part of the Stipulation and Settlement Agreement (Settlement) in Proceeding No. 18AL-0305G, Colorado Natural Gas Inc. (CNG or Company), the Office of Consumer Counsel (OCC), and Trial Staff of the Commission (Staff) agreed to collaborate on a Quality of Service Plan (QSP), which CNG was to file within six months of the effective date of the final decision in Proceeding No. 18AL-0305G. The Settlement was approved through Decision No. R18-0972, issued November 1, 2018. After a brief extension of time was granted for CNG

to make the agreed-to QSP filing, CNG initiated this proceeding by filing its QSP on June 20, 2019. Through its Application, CNG proposes “to capture and monitor data”<sup>1</sup> in key areas. CNG notes that this is its “first QSP” and proposes a three-year period of data collection only, with “no associated goals, and no penalties or incentives.”<sup>2</sup>

2. The OCC and Staff, each of which was a party to the Settlement, timely filed notices of interventions as of right and each requests a hearing on the Application. No other potential parties request intervention. Therefore, the parties in this proceeding are CNG, Staff, and the OCC.

3. In its notice of intervention the OCC includes that, among its identified issues, it intends to consider whether a penalty is appropriate for measures in which CNG has available data during the proposed three-year period. For its part, Staff identifies CNG’s representation that this QSP is for reporting purposes only as a potential issue.

4. In referring the proceeding to an Administrative Law Judge (ALJ) the Commission required CNG to file additional supporting testimony to address enforcement mechanism(s) that could apply to its QSP. The Commission stated that the supplemental direct testimony shall include, at a minimum, potential negative incentives<sup>3</sup> that the Company proposes to ensure quality of service is maintained by the Company over the term of the QSP.

5. The Commission required each party to support its positions in this proceeding fully through testimony and evidence. Proposals regarding incentives, at a minimum, must

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<sup>1</sup> Application at p. 1.

<sup>2</sup> *Id.* at p. 2.

<sup>3</sup> Enforcement mechanisms and negative incentives for QSP filings have traditionally been included as customer refund amounts or billing credits. The Commission required CNG to propose a negative incentive at a minimum in Decision No. C19-0706-I.

demonstrate that the magnitude and proposed implementation of the incentive is at an adequate level to ensure CNG’s quality of service is maintained. If negative incentives would be incurred, the party proposing the incentive must demonstrate that the negative incentive is reasonable for the Company from a financial perspective.

6. On August 23, 2019, by Decision No. C19-0706-I, the above captioned proceeding was referred to an ALJ.

7. On September 6, 2019, by Decision No. R19-0738-I, a prehearing conference was scheduled for October 8, 2019.

8. On October 1, 2019, CNG filed its Unopposed Motion to Vacate Prehearing Conference and Accept Procedural Schedule.

**II. PROCEDURAL SCHEDULE.**

9. In their Unopposed Motion, CNG states the parties have agreed to the following procedural schedule:

Supplemental Direct Testimony	October 18, 2019
Answer Testimony	November 22, 2019
Rebuttal Testimony	December 13, 2019
Pre-hearing Motions	December 20, 2019
Corrected Testimony	January 6, 2020
Settlement Agreement	January 6, 2020
Evidentiary Hearing	January 7, 8, 9, 2020 <sup>4</sup>
Statements of Position	January 24, 2020

10. The proposed procedural schedule is acceptable and good cause is found for its adoption.

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<sup>4</sup> The Parties had agreed to start the hearing on January 8 2020. At the request of the ALJ, the parties agreed to start the hearing on January 7, 2019.

11. The prehearing conference scheduled for October 8, 2019 shall be vacated.

**III. DISCOVERY**

12. Rule 4 *Code of Colorado Regulations* 723-1-1405 of the Commission's Rules of Practice and Procedure will govern discovery in this matter. Discovery refers to and includes discovery requests, data requests, and Staff audit requests.

**IV. CONFIDENTIALITY**

13. The Public Utilities Commission Confidentiality Rules shall apply, and that access to highly confidential information and documents will be governed by any Highly Confidential Protective Orders entered by the Commission in this proceeding

**V. ORDER**

**A. It Is Ordered That:**

1. The Unopposed Motion to Vacate Prehearing Conference and Accept Procedural Schedule by Colorado Natural Gas Inc. on October 1, 2019 is granted and response time is waived.

2. The prehearing conference scheduled for October 8 2019 is vacated.

3. An evidentiary hearing in this matter is scheduled for the following date, at the following time, and in the following location:

DATES: January 7, 8 and 9, 2020  
TIME: 9:00 a.m.  
PLACE: Commission Hearing Room  
1560 Broadway, Suite 250  
Denver, Colorado

4. The procedural schedule as stated above in ¶9 shall be adopted

5. The Parties shall be held to the advisements in this Decision.

6. This Decision is effective immediately

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT I. GARVEY

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director