

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19AL-0075G

IN THE MATTER OF ADVICE LETTER NO. 1 FILED BY BLACK HILLS COLORADO GAS, INC. TO PLACE IN EFFECT ITS NEW P.U.C. VOLUME NO. 1 TARIFF ESTABLISHING NEW RATE SCHEDULES AND BASE RATES FOR ALL NATURAL GAS SALES AND TRANSPORTATION SERVICES, INCREASING JURISDICTIONAL BASE RATE REVENUES, COMBINING EXISTING GAS COST ADJUSTMENT (“GCA”) AREAS INTO NEW GCA REGIONS, IMPLEMENTING A DISTRIBUTION SYSTEM INTEGRITY RIDER, REVISING THE CONSTRUCTION ALLOWANCE CALCULATION METHOD, AND OTHER PROPOSED TARIFF CHANGES TO REPLACE AND SUPERSEDE ITS P.U.C. VOLUME NO. 3 TARIFF (FORMERLY BLACK HILLS/COLORADO GAS UTILITY COMPANY, INC.) AND P.U.C. VOLUME NO. 7 TARIFF (FORMERLY BLACK HILLS GAS DISTRIBUTION, LLC) IN THEIR ENTIRETY, TO BECOME EFFECTIVE ON MARCH 4, 2019.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING UNOPPOSED MOTION
TO EXCUSE WILLIAM P. MARCUS
FROM ATTENDING THE
OCTOBER 24, 2019 HEARING**

Mailed Date: October 23, 2019

I. STATEMENT

A. Background

1. A more comprehensive summary of the background of this proceeding is included in Decision No. R19-0714-I that issued in this proceeding on August 28, 2019. The facts relevant to this Decision are stated below.

2. On February 1, 2019, Black Hills Colorado Gas, Inc. (BHCG) filed Advice Letter No. 1 with supporting attachments and pre-filed direct testimony. Advice Letter No. 1 proposes to effectuate the consolidation of Black Hills/Colorado Gas Utility Company, Inc. (BHGU) and

Black Hills Gas Distribution, LLC (BHGD) into BHCG. BHGD has two base rate areas and six gas cost adjustment areas (GCAs). BHGU has one rate area and one GCA. Advice Letter No. 1 proposes to consolidate the cumulative three base rate areas into a single base rate area for the purpose of establishing an overall revenue requirement for BHCG. Through rate design and for purposes of rate impact mitigation, BHCG proposes two new base rate areas. Advice Letter No. 1 further proposes to consolidate seven GCAs of BHGD and BHGU into four GCAs. BHCG filed a single state-wide Class Cost of Service Study (CCOSS) in support of its proposal in Advice Letter No. 1.

3. In Decision No. R19-0714-I, the Administrative Law Judge (ALJ) approved a request from the parties to keep the evidentiary record open to allow BHCG to file four additional CCOSS's (one for each of the existing base rate areas, and one for the combination of the BHGU Rate Area and BHGD Rate Area 2).¹ Decision No. R19-0714-I also established a procedural schedule that, among other things, set deadlines of September 27, 2019 for BHCG to file the four new CCOSS's and related testimony, and October 15, 2019 for the Intervenors to file revised CCOSS's and related testimony.² The deadline for intervenors to file their revised CCOSS's and related testimony was extended to October 17, 2019 in Decision No. R19-0831-I that issued on October 9, 2019.

4. On September 27, 2019, BHGC filed its four new CCOSS's and supporting testimony.

¹ Decision No. R19-0714-I at 9 (¶ 20), 10 (¶ 23).

² *Id.* at 10 (¶ 23).

5. On October 17, 2019, intervenors Trial Staff of the Commission (Staff), the Office of Consumer Counsel (OCC), and Energy Outreach Colorado (EOC) filed testimony responding to BHCG's testimony. EOC's witness who filed testimony is William P. Marcus.

6. On October 22, 2019, the parties filed a matrix detailing the order of presentation of witnesses and estimated cross-examination times for each witness. The matrix shows that no party intends to cross-examine EOC's witness, Mr. Marcus.

7. Later on October 22, 2019, EOC filed a Motion to Excuse Mr. Marcus from attending the hearing on October 24, 2019 in light of the fact that no party has reserved time to cross-examine Mr. Marcus. If the ALJ has questions, EOC requests that Mr. Marcus be permitted to attend the hearing by telephone.

B. Analysis

8. In support of the Motion to Excuse, EOC notes its non-profit status, its mission to ensure that low-income households can meet their home energy needs, the fact that Mr. Marcus resides in California, and the resulting significant costs of Mr. Marcus' attendance at the hearing. EOC also states that it communicated with BHCG, Staff, OCC, and intervenor Bachelor Gulch Village Association and is authorized to represent that they do not oppose the Motion to Excuse. The remaining intervenors – Vail Corporation and A M Gas Transfer Corporation (A M Gas) – did not respond to EOC's communication. However, neither Vail Corporation nor A M Gas have reserved time to cross-examine Mr. Marcus.

9. Based on the foregoing, the ALJ finds and concludes that EOC has established good cause to grant the Unopposed Motion to Extend. In addition, the ALJ does not have any questions for Mr. Marcus. Accordingly, the Unopposed Motion to Extend shall be granted and Mr. Marcus shall be excused from attending the hearing.

II. ORDER

A. It Is Ordered That:

1. The Motion to Excuse William P. Marcus from attending the hearing filed by Energy Outreach Colorado on October 22, 2019 is granted. Mr. Marcus is excused from attending the hearing on October 24, 2019.
2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director