

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 EOC’S UNOPPOSED
MOTION TO BE EXCUSED FROM
DECEMBER 5, 2019 HEARING**

Mailed Date: December 3, 2019

I. STATEMENT

1. This Interim Decision grants Energy Outreach Colorado’s (EOC) Unopposed Motion to be Excused from December 5, 2019 Hearing (Unopposed Motion), filed on December 2, 2019.

A. Procedural History.

2. 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. This Proceeding is Public Service’s 2019 Gas Phase II rate case.

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

4. 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. In Decision No. R19-0622-I (mailed on July 22, 2019), pursuant to § 40-6-111(1)(b), C.R.S. (2019), the Administrative Law Judge (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.

5. The Parties to this Proceeding are the Colorado Office of Consumer Counsel; Trial Staff of the Colorado Public Utilities Commission; EOC; Atmos Energy Corporation; WoodRiver Energy, LLC; Black Hills Colorado Gas, Inc.; Colorado Natural Gas, Inc.; Tiger Natural Gas, Inc.; and by Climax Molybdenum Company.¹

6. Decision No. R19-0660-I (mailed on August 2, 2019) adopted a consensus procedural schedule for the litigation of this Proceeding, set an evidentiary hearing for November 14, 15, and 18, 2019, and addressed other procedural matters.

7. On September 18, 2019, the Parties to this Proceeding filed an Unopposed Joint Motion for Approval of Settlement Agreement without Modification, to Modify Procedural Schedule, and Request for Waiver of Response Time (Unopposed Joint Motion), and attached a comprehensive Stipulation and Settlement Agreement, including three attachments (Settlement

¹ See Decision No. R19-0622-I and Decision No. R19-0636-I (mailed on July 26, 2019).

Agreement). All Parties to this Proceeding (Settling Parties) joined the Unopposed Joint Motion and signed the Settlement Agreement.²

8. Decision No. R19-00818-I (mailed on October 4, 2019) *inter alia* vacated the evidentiary hearing scheduled for November 14, 15, and 18, 2019 and scheduled a hearing on the Settlement Agreement for December 5, 2019 (reserving December 6, 2019, if needed).

9. On October 3, 2019, Public Service, Staff, OCC, EOC, and Black Hills each pre-filed testimony in support of approval of the Settlement Agreement and Settlement Tariffs.

10. On December 2, 2019, EOC filed the Unopposed Motion. EOC states that its counsel has a scheduling conflict on December 5th and that none of the Settling Parties have any cross-examination for its witness, Andrew Bennett, who pre-filed testimony in support of approving the Settlement Agreement. The ALJ also has no questions for Mr. Bennett.³ EOC requests that Mr. Bennett and counsel for EOC, Dietze and Davis, P.C., be excused from attending the December 5, 2019 hearing.⁴

11. Since the Unopposed Motion is not contested, response time will be waived, pursuant to Rule 1308(c) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

12. The Unopposed Motion states good cause and will be granted.

² On October 3, 2019, the Settling Parties filed an Addendum and Corrections to Stipulation and Settlement Agreement, including Attachment 4, Summary of Tariff Changes; Attachment 5, Redlined Settlement Tariffs; and Attachment 6, Clean Settlement Tariffs.

³ Unopposed Motion, pages 1 and 2. By an email exchange on November 27, 2019 with Ms. Gabriella Stockmayer, counsel for EOC, the ALJ confirmed that he would have no questions for Mr. Bennett at the hearing.

⁴ Unopposed Motion, page 2.

II. ORDER**A. It Is Ordered That:**

1. The Unopposed Motion to be Excused from December 5, 2019 Hearing (Unopposed Motion), filed on December 2, 2019 by Energy Outreach Colorado (EOC), is granted.
2. Response time to the Unopposed Motion shall be waived, pursuant to Rule 1308(c) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.
3. EOC witness Andrew Bennett and counsel for EOC, Dietze and Davis, P.C., shall be excused from attending the December 5, 2019 hearing.
4. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
DirectorTHE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge