

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20AL-0049G

IN THE MATTER OF ADVICE LETTER NO. 961 FILED BY PUBLIC SERVICE COMPANY
OF COLORADO TO INCREASE RATES FOR ALL NATURAL GAS SALES AND
TRANSPORTATION SERVICES TO BECOME EFFECTIVE MARCH 7, 2020.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
FURTHER SUSPENDING EFFECTIVE
DATE OF FILED TARIFF SHEETS,
ON INTERVENTIONS, SCHEDULING
PREHEARING CONFERENCE,
AND PROVIDING ADVISEMENTS**

Mailed Date: March 5, 2020

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

1. On February 5, 2020, Public Service Company of Colorado (Public Service) filed with the Colorado Public Utilities Commission (Commission) Advice Letter No. 961-Gas, accompanying tariff sheets, and supporting direct testimony and attachments. This filing is a combined Phase I and Phase II rate proceeding (2020 Gas Rate Case).

2. In the Advice Letter, Public Service asserts that its present base rates are deficient as a result of investments and changes to costs incurred since 2016. Public Service seeks a total increase in base rate revenues of approximately \$144.5 million premised on a test year ending September 30, 2020. Excluding the \$17.7 million revenue requirement effects of costs currently being recovered through Public Service's Pipeline System Integrity Adjustment (PSIA), the net increase in revenues is approximately \$126.7 million.

3. The average monthly bill impacts of Public Service's proposed rate increase amount to a 15.9 percent increase for residential customers, or \$6.44 per month; and an 11.7 percent increase for small commercial customers, or \$19.51 per month.

4. Public Service explains that its proposed test year for establishing new rates starts with the historical 12 months ending September 30, 2019. That historical test year was then adjusted for known and measurable cost changes through September 30, 2020. Public Service states that, in recognition that the rate request is based on some forecasted information, Public Service is prepared to provide actual plant closing, cost of debt, capital structure, revenue, and potentially other information in discovery to demonstrate the reasonableness of the estimates provided.

5. The Cost of Service Study for the test year reflects Public Service's proposal to recover and amortize property taxes, pension expense, manufactured gas plant costs, rate case expenses, and damage prevention expenses over a 36-month period and to earn a return on the unamortized balances. The rate case expenses include \$1.6 million of projected expenses associated with this Proceeding and \$226,000 associated with Public Service's 2019 Phase II rate case (settled in Proceeding No. 19AL-0309G).¹ The proposed revenue requirement also includes Public Service's proposal to amortize a second legacy prepaid pension asset over a ten-year period. The Cost of Service Study further implements updated depreciation rates resulting from Public Service's depreciation study.

6. Public Service seeks an authorized return on equity of 9.95 percent and a rate of return on rate base (*i.e.*, the Weighted Average Cost of Capital or WACC) of 7.33 percent.

7. Additional requests by Public Service *inter alia* include:

- Changing the word "customer" to "service meter" in the sales rate schedules, so that the same terminology is used in both the sales and transportation rate schedules;
- Revising the PSIA rates to reflect the transfer of PSIA projects completed as of December 31, 2018 into base rates and the transfer of the current PSIA in base amount into the PSIA rider; and
- Continuing certain existing deferrals and trackers.

8. The proposed effective date on the tariffs filed with Advice Letter No. 961-Gas was March 7, 2020, although Public Service expects the Commission would set the filing for hearing and suspend the effective date of the tariffs. The 250-day statutory suspension period pursuant to § 40-6-111(1), C.R.S. (2019), would extend through November 12, 2020. However,

¹ Decision No. R20-0046 (mailed on January 22, 2020) approved the Stipulation and Settlement Agreement in Proceeding No. 19AL-0309G without material modifications.

Public Service seeks a final decision establishing new base rates prior to that date in order for the rates to become effective on November 1, 2020.

9. On February 5, 2020, Public Service also filed a Motion for Commission Approval of an Alternative Form of Notice, seeking Commission approval of certain alternative forms of notice to apply to Public Service's Advice Letter No. 961-Gas.² In Decision No. C20-0113-I (mailed on February 20, 2020), the Commission approved the request to use the following alternative forms notice to affected customers by: (a) publishing a legal notice (attached to the motion as Attachment A) in *The Denver Post* on two consecutive Sundays (February 16 and 23, 2020); (b) posting a copy of the 2020 Gas Rate Case filing on Public Service's website; (c) providing a customer bill onsert to Public Service's retail natural gas customers with all mailed and e-billed customer bills; and (d) providing an email within the first 20 days of the 30-day noticing period to all retail natural gas customers for whom Public Service has an email address and who have elected to receive email notifications.³

10. By Decision No. C20-0112 (mailed on February 20, 2020) (Suspension Decision), and pursuant to § 40-6-111(1), C.R.S. (2019), and Rule 1305(c) of the Rules of Practice and Procedure. 4 *Code of Colorado Regulations* (CCR) 723-1, the Commission set for hearing the tariffs filed with Advice Letter No. 961-Gas and thereby suspended their effective date for 120 days from the proposed effective date, or until July 5, 2020. The Suspension Decision

² On February 10, 2020, Public Service filed an Amended Motion for Commission Approval of an Alternative Form of Notice, updating the dates for newspaper publication of the legal notice.

³ On February 28, 2020, Public Service filed an Affidavit of Publication, confirming that the legal notice approved by Decision No. C20-0113-I had been published in *The Denver Post* on February 16 and 23, 2020.

commenced this Proceeding, effective on its mailed date.⁴ Decision No. C20-0112 also established an intervention deadline for 30 days after its mailed date, or no later than March 23, 2020.⁵ The Suspension 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.

11. While the proposed effective date on the tariffs filed with Advice Letter No. 961-Gas was March 7, 2020, Public Service requested in the Advice Letter that the Commission set for hearing and suspend the tariffs, with a requested effective date of November 1, 2020. As noted above, by Decision No. C20-0112 the Commission suspended the effective date of the filed tariff sheets for 120 days, or until July 5, 2020.

12. Pursuant to § 40-6-111(1)(b), C.R.S. (2019),⁶ 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 November 12, 2020.

13. Due to Public Service's request for an anticipated effective date of November 1, 2020, and because a procedural schedule has not yet been proposed or adopted, the ALJ

⁴ Rule 1300(d) of the Rules of Practice and Procedure. 4 CCR 723-1, provides that: "Proceedings before the Commission may be commenced *only* through one of the following: ... (d) a decision suspending and setting for hearing a proposed tariff, price list, or time schedule;" (emphasis added). Commission decisions are effective on their mailed date. See Rule 1203, 4 CCR 723-1.

⁵ Since the 30-day deadline for filing interventions, ordered in Decision No. C20-0112, fell on Saturday, March 21, 2020, the deadline was extended by operation of law until the next business day, or until Monday, March 23, 2020. Section 40-6-121, C.R.S.

⁶ 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.

anticipates that a final Commission decision could not be issued in this Proceeding until after the expiration of the initial 120-day suspension period.

14. 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. 961-Gas to and including **November 12, 2020**. If the Commission does not establish new rates by that date, Public Service could place those tariff sheets into effect prospectively.

C. Interventions.

1. Interventions as of Right.

15. Rule 1210(a)(VII) of the Rules of Practice and Procedure. 4 CCR 723-1, allows a person affected by a change in tariffs to submit a written protest “sufficiently in advance of the effective date to permit Commission consideration before the tariff becomes effective....” Rule 1305(d) of the Rules of Practice and Procedure. 4 CCR 723-1, requires, after the Commission issues the Suspension Decision, that: “Any person wishing to participate as a party in any hearing the Commission may hold on a suspended tariff ... must file a notice of intervention as of right or motion to permissively intervene as provided in rule 1401.” Then, Rule 1401(a), 4 CCR 723-1, governs the timing of filing interventions and states in part: “Except [for Staff] ..., *any person may file a notice of intervention as of right or a motion to intervene by permission within 30 days of notice of any administrative or adjudicatory proceeding, unless the Commission's notice or a specific rule or statute provides otherwise.*” (Emphasis added.)

16. On February 13, 2020, before the Commission issued the Suspension Decision, the Colorado Office of Consumer Counsel (OCC) filed in one pleading a Protest, Notice of Intervention of Right, Entry of Appearance, and Request for Hearings (Protest). The Protest

requests a formal evidentiary hearing and lists 20 specific issues that OCC may address in this Proceeding.⁷

17. This is not the first proceeding in which, before the Commission issued a decision setting the tariffs for hearing and suspending their effective date, OCC has filed a single pleading purporting to be a protest and notice of intervention by right. In Proceeding No. 17AL-0363G, Public Service’s 2017 Phase I Gas Rate Case, the OCC filed a substantively similar pleading on June 9, 2017. When the Commission set the tariffs for hearing and suspended their effective date by Decision No. C17-0507 (mailed on June 21, 2017), it noted that OCC had filed a Protest Letter.⁸ Then on June 27, 2017, OCC refiled the same pleading, omitting “protest” from the title and three paragraphs of explanation about why it filed a new notice of intervention.⁹

18. In this Proceeding, the Suspension Decision found that the OCC “*filed a protest*, requesting a formal evidentiary hearing in order to determine if the Company’s requested rate increases and Phase II rate design proposal are just and reasonable and in the public interest.”¹⁰ (Emphasis added.) The Commission did not acknowledge an intervention by right by OCC. Instead the Commission set an intervention period and deadline. As of the mailed date of this Decision, OCC has not filed a new notice of intervention.

19. In its Protest, OCC argues that its intervention is timely by virtue of Rule 1210(a)(V) and of Rule 1401(a).¹¹ Rule 1210(a)(V) states that: “The Commission will provide notice by electronic posting in the E-Filings System within seven days of the receipt of an

⁷ Protest, ¶ 4 at pages 4 – 6.

⁸ Decision No. C17-0507, ¶ 8 at pages 3 and 4.

⁹ See Decision No. R18-0318-I issued in Proceeding No. 17AL-0363G on May 11, 2018, ¶ 13 and Footnote 6 at page 10.

¹⁰ Decision No. C20-0112, ¶ 12 at page 4.

¹¹ Protest, pages 1 and 2; ¶ 8 at page 7.

advice letter and tariff.” The text of Rule 1401(a) relied upon by OCC is quoted above in Paragraph 15. Rule 1210(a)(V) clearly concerns *only* the Commission providing “notice by electronic posting in the E-Filings System ... of an advice letter and tariff.” Only regulated utilities are required to file advice letters and tariffs.¹² After a utility files its advice letter and tariffs via the E-Filings System, Rule 1210(a)(V) requires the Commission to post the filed advice letter and tariffs in the E-filings System. In this Proceeding, the Commission did just that. It gave the notice required by Rule 1210(a)(V) (entitled “Details of Electronic Filing”) by posting Advice Letter No. 961-Gas and the filed tariffs on an E-Filings page entitled “Details of Proceeding 20AL-0049G.”¹³ Indeed, the “Details of Electronic Filing” posted in the E-Filings System for Advice Letter No. 961-Gas and the accompanying tariffs contains no information about interventions or a deadline for filing intervention pleadings.

20. Rule 1401(a), however, concerns the Commission providing notice of the time period when interested persons could file intervention pleadings. As stated above, the Suspension Decision clearly established a 30-day intervention period with a deadline of 30 days after its mailed date (February 20, 2020), or no later than March 23, 2020. The written Suspension Decision, with its notice of the intervention period and deadline, is the “Commission notice” referenced in Rule 1401(a), which “provides otherwise” about interventions when compared to the “notice” posted by the Commission in the E-filings System about the advice letter and tariff filing.

¹² See Rule 1210(a)(III), 4 CCR 723-1, “The utility shall file with the Commission an advice letter, the proposed tariff pages, any supporting documentation, and any supporting testimony, including attachments.”

¹³ See https://www.dora.state.co.us/pls/efi/EFI.Show_Filing?p_fil=G_762773&p_session_id=372554 (Details of Electronic Filing); and: https://www.dora.state.co.us/pls/efi/EFI_PUC_Admin_UI.Show_Docket_All_Assignment?p_session_id=372554&p_account_id=87610&p_docket=20AL-0049G (Details of Proceeding No. 20AL-0049G).

21. When interpreting a Commission rule, the ALJ's primary task is to ascertain and to give effect to the underlying legislative purpose. In determining the legislative purpose, the ALJ first looks to the language of the rule and then gives words to their commonly accepted and understood meaning. When the language is clear and unambiguous, it may be assumed that the Commission meant what it clearly stated in the rule.¹⁴ The language in both Rule 1210(a)(V) and Rule 1401(a) is clear.

22. The OCC's argument has conflated the Commission's E-Filings posting (which OCC calls a "notice") of the utility's filing of an advice letter and tariffs, under Rule 1210(a)(V), with the "Commission's notice" of the intervention period and deadline in a suspension decision, under Rule 1401(a). Here, pursuant to Rule 1305(d) and Rule 1401(a) of the Rules of Practice and Procedure. 4 CCR 723-1, the Suspension Decision gave notice about when putative intervenors could file to intervene and established an intervention deadline for 30 days after the mailed date (February 20, 2020). The OCC's legal argument that its intervention by right was timely filed is incorrect.

23. OCC's attempted intervention by right was filed prematurely¹⁵ when this Proceeding was not yet ripe to file intervention pleadings.¹⁶ This Proceeding did not become ripe for filing intervention pleadings until February 20, 2020, when the Commission issued Decision No. C20-0112 (the written Suspension Decision), setting the tariffs for hearing,

¹⁴ See *Beeghly v. Mack et al.*, 20 P.3d 610, 612-613 (Colo. 2001).

¹⁵ See Rules 1305(c) and 1305(d) of the Rules of Practice and Procedure. 4 CCR 723-1. The determination of the timeliness of a motion to intervene rests within the sound discretion of the trial court or trier of fact; here the ALJ. See *Moreland v. Alpert*, 124 P.3d 896, 904 (Colo. App. 2005).

¹⁶ The ripeness doctrine tests whether the issue is real, immediate, and fit for adjudication. Courts (or administrative agencies) should refuse to consider uncertain or contingent future matters that suppose a speculative injury that may never occur. See *Bd. of Directors, Metro Wastewater Reclamation District v. Nat'l Union Fire Ins. Co.*, 105 P.3d 653, 656 (Colo. 2005). In this Proceeding Public Service's advice letter and tariff filing was not "real, immediate, and fit for adjudication" until the Commission commenced the adjudication of the 2020 Gas Rate Case by issuing the Suspension Order.

suspending the tariffs' effective date, and issuing notice of the intervention period and deadline. OCC's Protest misconstrues the process discussed above for filing protests and intervention pleadings pursuant to Rule 1210(a)(V) and Rule 1401(a) of the Rules of Practice and Procedure.

24. The pleading OCC filed on February 13, 2020 was only a Protest under Rule 1210(a)(VII). Therefore, OCC is not yet a party to this Proceeding.

25. Just as it did in Proceeding No. 17AL-0363G, OCC should file a proper notice of intervention by right under Rule 1401(b), 4 CCR 723-1. As of the mailed date of this Decision, there is still time for OCC to intervene properly and consistently with the Rules of Practice and Procedure.

26. On February 28, 2020, 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 lists five specific issues it intends to address in this Proceeding.

27. Staff's Intervention as of right is acknowledged. Staff is a Party to this Proceeding.

2. Permissive Interventions.

28. As of the date and time this Decision was issued, no motions for permissive intervention have been filed.

29. As of the date and time this Decision was issued, Public Service and Staff are the only Parties to this Proceeding.

D. Prehearing Conference.

30. Decision No. C20-0112, Ordering Paragraph No. 2 at page 5, directed the ALJ to set a hearing date, to rule on interventions, and to establish other procedures by separate decisions.

31. Public Service's filing of a combined Phase I and Phase II rate case compel the ALJ to move with all dispatch to schedule hearing dates and to adopt a workable procedural schedule in an attempt to litigate this Proceeding so that the Commission can issue its decision by the end of the suspension period. In anticipation of accomplishing those tasks, 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 **March 26, 2020 at 1:30 p.m.** in a Commission hearing room.

32. *At the prehearing conference*, the Parties (and putative parties)¹⁷ must be prepared to discuss: (a) the date by which each intervenor will file answer testimony and attachments; (b) the date by which Public Service will file rebuttal testimony and attachments; (c) the date by which each intervenor may file cross-answer testimony and attachments;¹⁸ (d) the date by which each Party will file corrected testimony and attachments;¹⁹ (e) the date by which each Party will file prehearing motions, other than motions relating to discovery, but including any dispositive

¹⁷ Public Service and Staff are the Parties to this Proceeding as of the Mailed Date of this Decision. Other interested persons who may file intervention pleadings by the March 23, 2020 deadline (putative parties) should appear at the prehearing conference. The ALJ anticipates ruling on any motions for permissive intervention and responses timely filed 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 Public Service and Staff, but also to any persons who may subsequently become Parties to this Proceeding.

¹⁸ Cross-answer testimony shall respond only to the answer testimony of another intervenor.

¹⁹ Filing of corrections is limited to correcting errors (*e.g.*, mathematical errors, typographical errors, and etc.) 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).

motions, motions *in limine*, or motions to strike;²⁰ (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;²¹ (h) the date(s) and locations for any public comment hearings; (i) the date(s) for the evidentiary hearing, including a statement of how many days the Parties will need to try this case; (j) 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),²² and (k) the date for a technical conference prior to the ALJ's issuance of a recommended decision on the merits.²³

33. 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 40 pages in length, exclusive of a table of contents and appendices. If any intervenors file joint statements of position, the foregoing 40-page limit will apply to all joint statements of position.

34. Absent the filing of an amended advice letter changing the effective date of the proposed tariff sheets and allowing an extension of the suspension period, the Commission decision in this Proceeding must issue no later than November 12, 2020. To allow time for statements of position, the recommended decision, exceptions, responses to exceptions, and a

²⁰ This date shall be at least 21 calendar days before the first day of the hearing to allow for filing of responses and entry of a prehearing decision.

²¹ This date shall be at least ten business days before the first day of hearing.

²² Post-hearing statements of position shall be filed no later than 14 calendar days from the conclusion of the evidentiary hearing.

²³ The technical conference will be for the benefit of Advisory Staff and the ALJ. Prior to the date of the technical conference, the ALJ will issue a decision providing parameters for Public Service to conduct different scenarios on several issues on its revenue requirements model and class cost of service study model.

Commission decision on exceptions, the **evidentiary hearing in this matter must be concluded no later than July 2, 2020.**

35. *At the prehearing conference*, the Parties (and putative 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.

36. *At the prehearing conference*, the Parties (and putative 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 highly confidential information for which extraordinary protection may be sought, assuming that there may be such highly confidential information.

37. *At the prehearing conference*, a Party (or putative party) may raise any additional issue relevant to the litigation of this Proceeding.

38. The Parties (and putative 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, hearing date(s), and agreements on other procedural matters that are acceptable to all Parties (and putative parties). The ALJ will order counsel for Public Service to coordinate these discussions.

39. If the Parties (and putative 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 Public Service to make a filing **no later than Noon on March 25, 2020**, stating those agreements. Alternatively, Public Service may present agreements on a consensus procedural schedule, hearing date(s), and other procedural matters at the prehearing conference.

40. **The Parties (and putative parties) are advised, and are on notice, that** the ALJ will deem a Party's (or putative party's) failure to attend or to participate in the prehearing conference to be a waiver of that Party's (or putative party's) objection to the rulings made, the procedural schedule established, and the hearing dates scheduled during the prehearing conference.

E. Other Advisements.

41. **The Parties (and putative 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.

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

43. 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 (and putative parties) are advised, and are on notice, that** filings must comply with this requirement²⁴ and with the other requirements found in the Commission's rules pertaining to filings made with the Commission.

²⁴ 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.

44. **The Parties (and putative 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.

45. **Each Party (and putative 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.

46. **Each Party (and putative 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.

47. **The Parties (and putative 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.

48. 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. 961-Gas on February 5, 2020, are suspended for an additional 130 days for a total of 250 days; that is, to and including November 12, 2020.

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

DATE: March 26, 2020

TIME: 1:30 p.m.

PLACE: Commission Hearing Room B
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 putative 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, prior to the prehearing conference counsel for Public Service shall consult and coordinate those discussions with counsel for the intervenor by right and with counsel for persons who have filed intervention pleadings prior to the March 23, 2020 deadline, regarding the procedural schedule, hearing date(s), and the other procedural matters addressed in this Decision.

6. If the Parties (and putative 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 12:00 Noon on March 25, 2020, stating those agreements. Alternatively, counsel for Public Service may present at the prehearing conference any agreements on a consensus procedural schedule, hearing date(s), and other procedural matters.

7. The “Protest, Notice of Intervention of Right, Entry of Appearance, and Request for Hearings” filed by the Colorado Office of Consumer Counsel on February 13, 2020, was a protest, but not a timely or effective notice of intervention by right, consistent with the discussion, findings, and conclusions in this Decision.

8. The intervention as of right by Trial Staff of the Colorado Public Utilities Commission, filed on February 28, 2020, is acknowledged.

9. 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

Doug Dean,
Director