

Decision No. R20-0183-I

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
VACATING AND RESCHEDULING
THE PREHEARING CONFERENCE
AND RELATED FILING DATE**

Mailed Date: March 18, 2020

I. STATEMENT

1. This Interim Decision vacates the prehearing conference in this Proceeding set for March 26, 2020 at 1:30 p.m. and reschedules the prehearing conference for Tuesday, April 21, 2020 at 1:30 p.m. It also extends the date for the filing of a pleading reporting any consensus procedural schedule, hearing date(s), and the other procedural matters until Friday, April 3, 2020 at 12:00 Noon.

2. 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 natural gas rate case proceeding (2020 Gas Rate Case).

3. The procedural history of this Proceeding is set forth in Decisions previously issued herein and is repeated here as necessary to put this Decision into context.

4. By Decision No. C20-0112 (mailed on February 20, 2020), 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* 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. Decision No. C20-0112 established an intervention deadline of no later than March 23, 2020. Decision No. C20-0112 also referred this 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.

5. Pursuant to § 40-6-111(1)(b), C.R.S. (2019), Decision No. R20-0145-I (mailed on March 5, 2020), the ALJ suspended the effective date of the tariff sheets filed with Advice Letter No. 961-Gas for an additional 130 days, or for a total of 250 days until November 12, 2020. Decision No. R20-0145-I scheduled a prehearing conference for March 26, 2020 in Commission Hearing Room B at 1:30 p.m.¹

6. Decision No. R20-0145-I also encouraged the Parties (and putative parties)² to engage in discussions about a consensus procedural schedule, hearing date(s), and the other procedural matters addressed in the Decision. If agreements could be reached on those matters, the ALJ encouraged Public Service to make a filing no later than Noon on March 25, 2020, stating those agreements.

¹ Decision No. R20-0145-I, ¶¶ 14 and 39 at pages 6 and 13.

² “Putative parties are those interested persons who have filed motions for permissive intervention on or before the intervention deadline of March 23, 2020.

7. As of the mailed date of this Interim Decision, the Parties to this Proceeding are Public Service, Trial Staff of the Colorado Public Utilities Commission, and the Colorado Office of Consumer Counsel.

8. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency over the novel coronavirus pandemic (COVID-19). Since then Colorado State government and the Commission have been working diligently to address how to safely and effectively manage the challenges presented by COVID-19. These efforts have focused on limiting the disruption to the services delivered by the Commission (and other State agencies), while minimizing the risks to State employees and the public. For example, the Commission has added to its website a link entitled “PUC Notifications Regarding COVID-19.”³ Beginning March 18, 2020, the Commission’s Weekly Meetings will be conducted remotely, and the Commission has asked members of the public not to attend meetings in person, but to view them by webcast. Continuances of, or other actions regarding, administrative hearings and prehearing conferences will be addressed on a case-by-case basis. The responses of State and local governments in Colorado for dealing with the impacts of the expanding COVID-19 crisis on our jobs, our lives, and our society have been changing and updated every day.

9. Under the current circumstances resulting from the impacts of and responses to the COVID-19 pandemic in Colorado, holding the prehearing conference as scheduled on March 26, 2020 would be unnecessarily risky to the health and safety of the counsel and support personnel for the Parties, of interested persons who may attend, and of Commission employees working on this Proceeding.

³ See <https://puc.colorado.gov> and https://puc.colorado.gov/puc_covid19.

10. Therefore, the prehearing conference scheduled for Thursday, March 26, 2020, in Commission Hearing Room B at 1:30 p.m. will be vacated.

11. The prehearing conference will be rescheduled for Tuesday, April 21, 2020 at 1:30 p.m. Depending on the Commission's updated responses to the continuing COVID-19 crisis, the prehearing conference may be held by telephonic hearing. If so, a future Interim Decision will be issued with instructions to the Parties and interested persons.

12. The March 25, 2020 due date for Public Service to file any consensus agreements reached through discussions between the Parties (and putative parties), regarding a consensus procedural schedule, hearing date(s), and the other procedural matters addressed in Decision No. R20-0145-I, will be extended to and including **Friday, April 3, 2020 at 12:00 Noon**.

13. Given the November 12, 2020 end of the 250-day suspension period, the ALJ strongly encourages Public Service to give serious attention and consideration to filing an amended Advice Letter and tariffs with a new effective date on the filed tariff to allow the ALJ to extend the suspension period, and the time for litigation and decisions by the ALJ and the Commission to a minimum of an additional 90 to 120 days, or to waiving the statutory suspension period.⁴

14. For further information regarding COVID-19 and current updates regarding protecting the public health and safety during this pandemic, the Parties and interested persons may wish to visit websites for the [Colorado Department of Public Health and Environment](#) and the [Centers for Disease Control](#).

⁴ According to the *Charlotte Business Journal*, Duke Energy Corp. has waived a legal deadline for North Carolina regulators to act on its proposed 6 percent rate hike by July 2020, after Duke asked for a delay in the hearing due to the "escalating health and safety crisis" related to COVID-19. *See*: https://www.bizjournals.com/charlotte/news/2020/03/16/n-c-utilities-commission-delays-duke-energy-rate.html?ana=RSS&s=article_search.

II. ORDER

A. It Is Ordered That:

1. The prehearing conference scheduled for Thursday, March 26, 2020, in Commission Hearing Room B at 1:30 p.m. shall be, and hereby is, vacated.

2. The prehearing conference in this proceeding is rescheduled as follows:

DATE: April 21, 2020

TIME: 1:30 p.m.

PLACE: Commission Hearing Room A
1560 Broadway, 2nd Floor
Denver, Colorado

3. The due date of March 25, 2020 at Noon for Public Service to file any consensus agreements reached through discussions between the Parties (and putative Parties) regarding a consensus procedural schedule, hearing date(s), and the other procedural matters addressed in Decision No. R20-0145-I (mailed on March 5, 2020) shall be, and hereby is, extended until Friday, April 3, 2020 at Noon.

4. The advisements and requirements relating to the prehearing conference set forth in Decision No. R20-0145-I shall continue to be in effect and binding on the Parties and putative parties to this Proceeding.

5. 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