

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0159EG

IN THE MATTER OF THE JOINT PETITION OF ATMOS ENERGY CORPORATION, COLORADO NATURAL GAS, PUBLIC SERVICE COMPANY OF COLORADO, BLACK HILLS COLORADO GAS, INC., BLACK HILLS COLORADO ELECTRIC, INC., AND ROCKY MOUNTAIN NATURAL GAS LLC FOR AUTHORIZATION TO TRACK EXPENSES RESULTING FROM THE EFFECTS OF COVID-19 AND RECORD AND DEFER SUCH EXPENSES INTO A REGULATORY ASSET.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING REMOTE PREHEARING CONFERENCE**

Mailed Date: May 13, 2020

I. STATEMENT, BACKGROUND, FINDINGS, AND CONCLUSIONS

1. On April 7, 2020 Atmos Energy Corporation, Colorado Natural Gas, Inc., Public Service Company of Colorado (on behalf of its regulated electric and natural gas utilities), Black Hills Colorado Gas, Inc., Black Hills Colorado Electric, Inc., and Rocky Mountain Natural Gas LLC, filed the above-captioned Joint Petition requesting to track and defer expenses resulting from the effects of COVID-19. The Joint Petition requests an expedited decision, and a shortened notice and intervention period. The Commission granted that request and shortened the notice and intervention period to 12:00 pm. on April 27, 2020. Decision No. C20-0260-I, issued April 15, 2020. The same Commission Decision provided public notice of the Joint Petition. *Id.*

2. On April 24, 2020, the Colorado Public Utilities Trial Staff (Staff) filed a “Notice of Intervention as of Right . . . Entry of Appearance and Notice Pursuant to Rule 1007(a) and

Rule 1401” (Staff’s Intervention). Staff’s Intervention identifies a number of issues that it intends to raise and address in this proceeding, and requests a hearing on the Joint Petition.

3. On April 27, 2020 before 12:00 p.m., the Office of Consumer Counsel (OCC) filed a “Notice of Intervention of Right and Entry of Appearance . . .” (OCC’s Intervention). Although the OCC’s Intervention does not take a position on whether it supports or opposes the Joint Petition, it raises several questions about the Joint Petition, and requests a hearing on the Joint Petition.

4. During its weekly meeting on May 6, 2020, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.

5. In anticipation of a hearing on the Joint Petition, the ALJ is scheduling a prehearing conference per Rule 1409(a), 4 *Code of Colorado Regulations* 723-1, of the Commission’s Rules of Practice and Procedure. The parties will appear at the prehearing conference from remote locations by video conference or telephone. The parties may not appear in person for the prehearing conference. The ALJ encourages the parties to attend the hearing by video conference, as this will provide helpful information on appropriate next steps, including whether the hearing may be held by video conference.¹ Indeed, given the uncertainty created by the COVID-19 pandemic relating to future public gatherings, at the prehearing conference, the parties should be prepared to discuss the feasibility of holding an evidentiary hearing in this matter by video conference.

6. The remote prehearing conference will be held using the web-hosted video conferencing service, GoToMeeting. Information on how to use GoToMeeting to attend the

¹ Parties planning to attend the prehearing conference by video conference should test their capability to use GoToMeeting before the remote prehearing conference.

hearing by video conference is provided in Attachment A to this Decision. The web link and access code to attend by video conference are included in Ordering ¶ 1, below. Instructions to attend by telephone are also included below. This information should not be distributed beyond the parties in this proceeding. The ALJ anticipates that the prehearing conference will be webcast, consistent with Commission practice. This allows those who wish to observe the hearing to do so without joining GoToMeeting, which may cause unnecessary audio feedback.

7. At the prehearing conference, an evidentiary hearing will be scheduled, and procedural deadlines will be established.² The parties may raise other issues relevant to this proceeding at the prehearing conference, including agreements impacting this proceeding. The parties are required to confer on a hearing date and procedural deadlines prior to the prehearing conference. As part of this conferral, the parties must discuss whether they are willing and able to hold the hearing by video conference.

8. *All parties are on notice that* failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.

² This includes deadlines to file witness and exhibit lists, exhibits, post-hearing statements of position, settlement agreements, stipulations, and prehearing motions.

II. ORDER

A. It Is Ordered That:

1. A remote prehearing conference is scheduled as follows:

DATE: May 28, 2020

TIME: 10:30 a.m.

METHOD: Join by video conference online at:
<https://global.gotomeeting.com/join/120888245>
(If necessary, use 120-888-245 as the access or ID code)

OR

Join by telephone:
Dial +1 786-535-3211, and
when prompted, enter access or ID code: 120-888-245

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director