

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
GRANTING UNOPPOSED MOTION,
WAIVING RESPONSE TIME,
VACATING HEARING AND PROCEDURAL DATES,
AND SCHEDULING SETTLEMENT HEARING**

Mailed Date: July 6, 2020

I. STATEMENT, FINDINGS, AND CONCLUSIONS.

1. This Interim Decision grants the Notice of Unopposed Comprehensive Settlement in Principle (Notice) and Unopposed Motion to Vacate Procedural Schedule and Set Settlement Deadlines (Unopposed Motion) filed by Public Service Company of Colorado (Public Service or Company) on July 2, 2020; waives response time to the Unopposed Motion; vacates the remote evidentiary hearing set for July 7 through 10 and 13 through 17, 2020; vacates the remaining deadlines in the adopted procedural schedule; modifies to July 10, 2020 the date for filing the written Settlement Agreement; sets July 20, 2020 as the deadline for filing testimony in support of approving the Settlement Agreement; and schedules a hearing on the Settlement Agreement for August 13 and 14, 2020.

A. Procedural History.

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 proceeding.

3. The effective date of the tariff sheets filed with Advice Letter No. 961-Gas has been suspended for a total of 250 days until November 12, 2020, pursuant to § 40-6-111(1)(b), C.R.S. (2019).¹

4. The Parties to this Proceeding are Public Service, Trial Staff of the Colorado Public Utilities Commission, the Colorado Office of Consumer Counsel, the Colorado Energy Office, Atmos Energy Corporation, the Federal Executive Agencies, Energy Outreach Colorado, Black Hills Colorado Gas, Inc., doing business as Black Hills Energy, WoodRiver Energy, LLC, Colorado Natural Gas, Inc., Climax Molybdenum Company, the International Brotherhood of Electrical Workers, Local 111, and AARP (collectively, the Parties).²

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

6. Decision No. R20-0223-I (mailed on April 6, 2020) *inter alia* adopted a procedural schedule with certain filing dates and set an in-person evidentiary hearing for July 7 through 10 and 13 through 17, 2020 in a Commission Hearing Room. After conclusion of the evidentiary hearing, the only remaining filing deadline requires that Statements of Position be filed on July 31, 2020.³

¹ See Decision No. C20-0112 (mailed on February 20, 2020) and Decision No. R20-0145-I (mailed on March 5, 2020).

² See Decision No. R20-0145-I; Decision No. R20-0208-I, mailed on April 1, 2020); and Decision No. R20-0278-I (mailed on April 22, 2020).

³ The procedural schedule also calls for a Technical Conference to be conducted prior to the issuance of the Recommended Decision. The Technical Conference will be scheduled at the discretion of the ALJ. Decision No. R20-0223-I, ¶ 11 at page 5.

7. Consistent with Executive Orders issued by Governor Jared Polis and other Colorado public health advisories in response to the novel coronavirus (COVID-19) pandemic and to prevent its spread, the Administrative Law Judge (ALJ) converted the in-person evidentiary hearing to a remote hearing, using the GoToMeeting video conference platform.⁴

8. On June 30, 2020, as ordered by Decision No. R20-0223-I, Public Service filed a Matrix showing the Parties agreement on the order of witnesses, order of cross-examination, and estimated cross-examination times.

9. Decision No. R20-0483-I (mailed on July 2, 2020) scheduled a remote public comment hearing for July 16, 2020, commencing at 4:00 p.m., using the GoToMeeting video platform or a telephone to participate.

B. The Unopposed Motion.

10. On July 2, 2020, Public Service filed the Unopposed Motion. Public Service reports that its counsel conferred with all the Parties and that it is authorized to file the Notice and the Unopposed Motion on behalf of all Parties. Hence, the Unopposed Motion is not only not opposed, but it is supported by all the Parties. Public Service, therefore, requests that response time to the Unopposed Motion be waived.⁵

11. In the Unopposed Motion, Public Service states that, while the Parties had various settlement discussion prior to the June 22, 2020 deadline for filing settlement agreements, they were unable to achieve a settlement by that deadline. The Parties continued to communicate and

⁴ See Decision No. R20-0463-I (mailed on June 24, 2020).

⁵ Unopposed Motion, at page 2. See Rule 1400(a) and Rule 1308(c) of the Rules of Practice and Procedure. 4 *Code of Colorado Regulations* (CCR) 723-1 (2015).

reached a settlement in principle on the morning of July 2, 2020. The purpose of the Notice was to notify the ALJ formally that an unopposed comprehensive settlement in principle was reached among the Parties. Public Service and the Parties realize that the evidentiary hearing is scheduled to commence on July 7, 2020. Public Service requests that the ALJ vacate the hearing dates and the remaining procedural deadlines, and that the ALJ order new deadlines for filing a motion to approve the Settlement Agreement, the written Settlement Agreement, and testimony in support of the Settlement Agreement. Public Service proposes due dates of July 10, 2020 and July 20, 2020, respectively. Public Service also requests that a hearing on the Settlement Agreement be scheduled for the week of August 10, 2020.⁶

12. The Commission encourages the settlement of contested proceedings.⁷ Moreover, § 40-6-101(1), C.R.S., requires that, “The commission shall conduct its proceedings in such manner as will best conduce the proper dispatch of business and the ends of justice.”

13. The ALJ finds and concludes that the Unopposed Motion states good cause and proposes a reasonable procedural process for addressing the unopposed comprehensive settlement of this rate case in an efficient manner that will serve the ends of justice for all Parties and the public interest. The ALJ will grant the Unopposed Motion.

14. The remote evidentiary hearing scheduled for July 7 through 10 and 13 through 17, 2020, will be vacated.

15. The only remaining post-hearing filing deadline, requiring that Statements of Position be filed on July 31, 2020, will be vacated.

⁶ Unopposed Motion, at pages 1 and 2.

⁷ Rule 1408 of the Rules of Practice and Procedure. 4 CCR 723-1.

16. The motion to approve the Settlement Agreement and the written Settlement Agreement will be due no later than 5:00 p.m. MDT on July 10, 2020.

17. Written testimony in question and answer format and in support of approval of the Settlement Agreement will be due no later than 5:00 p.m. MDT on July 20, 2020.

18. Due to the complexity of this rate case and the vast number of issues identified in pre-filed testimony, the ALJ finds that a hearing on the Settlement Agreement is necessary. A remote hearing on approval of the Settlement Agreement will be scheduled for August 13, 2020 at 9:00 a.m. MDT, and August 14, 2020 will be reserved, if needed.

19. The hearing on the Settlement Agreement will be conducted remotely using the GoToMeeting video conference platform and the same instructions for participation in the remote hearing set forth in Decision No. R20-0463-I (mailed on June 24, 2020) and Attachments A and B to that Decision. A few days before the remote settlement hearing, the ALJ will email the GoToMeeting log-in information to counsel and the Parties.

20. The hearing on approval of the Settlement Agreement will be conducted with the presentation of electronic exhibits, to the fullest extent possible, as described in Decision No. R20-0345-I (mailed on May 6, 2020) and Decision No. R20-0463-I.

II. ORDER

A. It Is Ordered That:

1. The Notice of Unopposed Comprehensive Settlement in Principle and Unopposed Motion to Vacate Procedural Schedule and Set Settlement Deadlines (Unopposed Motion), filed by Public Service Company of Colorado on behalf of all the Parties on July 2, 2020 is granted, consistent with the findings and conclusions set forth in this Decision.

2. Response time to the Unopposed Motion is waived, pursuant to Rule 1308(c) of the Rules of Practice and Procedure. 4 *Code of Colorado Regulations* 723-1 (2015).

3. The remote evidentiary hearing scheduled for July 7 through 10 and 13 through 17, 2020, is vacated.

4. The remaining post-hearing filing deadline, requiring that Statements of Position be filed on July 31, 2020, is vacated.

5. The motion to approve the Settlement Agreement and the written Settlement Agreement shall be due no later than 5:00 p.m. MDT on July 10, 2020.

6. Written testimony in question and answer format and in support of approval of the Settlement Agreement shall be due no later than 5:00 p.m. MDT on July 20, 2020.

7. A hearing on whether the Settlement Agreement should be approved is set for:

DATE: August 13, 2020 (August 14, 2020 is reserved, if needed)

TIME: 9:00 a.m.

FOR WEBCASTS: Hearing Room A

METHOD: Join by video conference at the link to be provided by an email from the Administrative Law Judge, OR

Join by telephone: Dial the telephone number provided in the email, and when prompted, enter the PIN (or Meeting ID) to be identified in the email.

8. The hearing on the Settlement Agreement will be conducted remotely using the GoToMeeting video conference platform and the same instructions for participation in the remote hearing set forth in Decision No. R20-0463-I (mailed on June 24, 2020) and Attachments A and B to that Decision. Counsel and the Parties shall follow those instructions.

9. Other procedural matters may be addressed in future Interim Decisions.

10. 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