

Decision No. R20-0494-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 20A-0190G

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IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO GAS, INC FOR APPROVAL OF A NATURAL GAS DEMAND SIDE AMNAGEMENT PLAN FOR CALENDAR YEARS 2021, 2022 AND 2023.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
ROBERT I. GARVEY  
SCHEDULING REMOTE PREHEARING CONFERENCE  
AND GRANTING INTERVENTION**

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Mailed Date: July 8, 2020

**I. STATEMENT**

1. On May 1, 2020, Black Hills Colorado Gas, Inc. doing business as Black Hills Energy (Black Hills or the Company) afiled a Verified Application (Application) for approval of a natural gas demand side management (DSM) plan for calendar years 2021, 2022 and 2023.

2. On May 19, 2020, Colorado Public Utilities Commission Trial Staff filed a Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a), and Request for Hearing.

3. On June 2, 2020, the Colorado Office of Consumer Counsel (OCC) filed an Intervention and Request for a Hearing.

4. On June 3, 2020, the Colorado Energy Office (CEO) filed its Notice of Intervention by Right.

5. On June 3, 2020, Energy Outreach Colorado (EOC) filed its Motion to Intervene and Entry of Appearance. EOC states that it has a has a tangible and pecuniary interest in ensuring that it may efficiently and effectively administer its low-income DSM services.

6. During its weekly meeting on June 17, 2020, the Commission referred this matter to an Administrative Law Judge (ALJ).

## **II. INTERVENTIONS**

7. The interventions of Staff, the OCC and CEO are by right and they are parties in this proceeding.

8. The EOC is a Colorado non-profit corporation that works to ensure that low-income Colorado households can meet their home energy needs. Pursuant to C.R.S. § 40-8.5-104, EOC collects and disburses low-income energy assistance funds, as well as voluntary contributions from utility customers pursuant to the Low Income Energy Assistance Act, C.R.S. § 40-8.7-101, et seq. Funds are disbursed to provide low-income energy assistance and to improve energy efficiency for the benefit of low income customers.

9. In its direct testimony Black Hills seeks approval of the Income-Qualified Weatherization Program administered by EOC, and approval of the budgets for each program.

10. The undersigned finds that the EOC has a tangible and pecuniary interest and will grant the intervention.

## **III. PREHEARING CONFERENCE**

11. In anticipation of a hearing, the ALJ will schedule a remote prehearing conference per Rule 1409(a), 4 *Code of Colorado Regulations* 723-1, of the Commission's Rules of Practice and Procedure. At the remote prehearing conference, an evidentiary hearing will be scheduled,

and procedural deadlines will be established.<sup>1</sup> The parties may raise other issues relevant to this proceeding at the prehearing conference. The parties are required to confer on a hearing date and procedural deadlines before the prehearing conference. As part of this conferral, the parties must discuss whether they are willing and able to hold the evidentiary hearing by video conference.<sup>2</sup>

12. The ALJ encourages the parties to submit a proposed hearing date and procedural schedule prior to the prehearing conference.<sup>3</sup> In such a circumstance, provided that the ALJ substantially approves the proposed schedule, the ALJ may vacate the prehearing conference.

13. The remote prehearing conference will be held using the web-hosted video conferencing service, GoToMeeting. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link and meeting ID or access code will be provided to the parties by email before the hearing, and the parties will be prohibited from distributing that information to anyone not participating in the hearing.

14. Information and direction on using GoToMeeting to attend the hearing is provided in Attachment A to this Decision. The ALJ strongly encourages the parties to test their ability to use GoToMeeting *before* the remote prehearing conference.

15. *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

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<sup>1</sup> This includes deadlines to file witness and exhibit lists, exhibits, post-hearing statements of position, settlement agreements and stipulations, and prehearing motions.

<sup>2</sup> Due to the COVID-19 global pandemic, the Commission's offices are not open to the public, and therefore no in-person hearings are being held. It is unknown when the Commission will be able to hold hearings in-person, but the Commission has been holding evidentiary hearings by video conference.

<sup>3</sup> If the parties wish to preserve the ability to hold a hearing in-person if it becomes an option before the evidentiary hearing, the parties should ensure that Commission Hearing Room A is available for their proposed hearing dates. The parties may review the Commission's public calendar for this information, which they may find on the Commission's website. Also do not propose a hearing date on a Wednesday due to the Commission's weekly meeting.

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.

**IV. ORDER**

**A. It Is Ordered That:**

1. The intervention of Energy Outreach Colorado is granted, and they are a party to this proceeding.

2. Consistent with the above discussion, a remote prehearing conference is scheduled as follows:

DATE: July 28, 2020

TIME: 9:00 a.m.

METHOD: By video conference using GoToMeetings at link provided to parties by email

3. The parties may not distribute the GoToMeeting link, and access or ID code to non-participants.

4. Attachment A is incorporated into this Decision.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT I. GARVEY

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Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director