

Decision No. R20-0681-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0284G

IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC. FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A SYSTEM SAFETY AND INTEGRITY RIDER.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
MODIFYING AND VACATING DEADLINES, VACATING
HEARING, AND ESTABLISHING DEADLINE TO FILE
PROPOSED PROCEDURAL SCHEDULE**

Mailed Date: September 22, 2020

I. STATEMENT AND BACKGROUND

1. Only the procedural history necessary to understand this Decision is included. Colorado Natural Gas Inc. (CNG) initiated this matter by filing the above-captioned Application on June 26, 2020.

2. During its weekly meeting held on August 12, 2020, the Commission referred the matter to an Administrative Law Judge (ALJ) for disposition, and directed the ALJ to address what information CNG must present to justify costs eligible for recovery for its System Safety and Integrity Rider projects. *See* Decision No. C20-0610-I issued August 19, 2020.

3. Colorado Public Utilities Commission Trial Staff (Staff) and the Office of Consumer Counsel (OCC) are the only interveners in this matter.

4. On August 31, 2020, the ALJ scheduled the matter for an evidentiary hearing for December 3, 2020, established a procedural schedule and process for conducting the hearing, and identified information that CNG must present (per Commission Decision No. C20-0610-I).

Decision No. R20-0633-I. That additional information is to be provided through supplemental direct testimony, due on September 18, 2020. *Id.*

5. On September 17, 2020, the ALJ modified the deadline to file cross-answer testimony. Decision no. R20-0666-I.

6. That same day, CNG filed an Unopposed Motion to Modify the Procedural Schedule (Motion). The Motion states that it is unopposed. The Motion specifically seeks a two-week extension of time to file supplemental direct testimony, to October 2, 2020. Motion, at 2. CNG states that it requires additional time to develop responses to the issues included in Decision No. R20-0633-I. *Id.* The Motion also seeks a two-week extension of the deadline for the OCC and Staff to file answer testimony, and to vacate the December 3, 2020 hearing dates. *Id.* at 2-3. The Motion asks that the parties be permitted to submit proposed deadlines for rebuttal and cross-answer testimony, and to propose a new hearing date in January 2021. To facilitate this, CNG waives the statutory deadline for a final Commission decision to issue, per § 40-6-109.5, C.R.S. *Id.* at 2. CNG states that it still wishes for this matter to reach a final resolution as soon as possible. *Id.*

7. Because the Motion is unopposed, the ALJ will waive the response time to it. *See* Rule 1400(b), of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. The ALJ finds that the Motion establishes good cause for the requested relief. The ALJ will grant the Motion in its entirety. Given that the remaining deadlines all tie into the hearing date, the ALJ will also vacate other deadlines, as appropriate. In addition, the ALJ will set a deadline for the parties to submit a proposed procedural schedule for the remaining deadlines and a proposed hearing date.

8. When conferring on a hearing date, the parties should review the Commission's public calendar to determine the ALJ's availability. Additionally, the parties are advised that the ALJ is unavailable for a hearing on January 8, 18, and 22, 2021.

9. Finally, the ALJ acknowledges that CNG wishes to see a final resolution as soon as possible. Although CNG has waived the statutory deadline for a final Commission decision, the ALJ will endeavor to issue a recommended decision as soon as possible after the hearing and statements of position are filed.

II. ORDER

A. It Is Ordered That:

1. The deadline to file supplemental direct testimony is extended to October 2, 2020. The deadline to file answer testimony is extended to October 30, 2020.

2. The deadlines to make the following filings are vacated: cross-answer and rebuttal testimony; corrected, modified, or amended written testimony and attachments; joint witness testimony matrix; final hearing exhibits; hearing exhibit lists; witness lists; prehearing motions; stipulations; settlement agreements; and statements of position.

3. The December 3, 2020 hearing is vacated.

4. On or by November 6, 2020, the parties must submit a proposed procedural schedule including proposed deadlines for all the above-referenced filings and a proposed hearing date or dates.

5. Because the statutory deadline for a final Commission decision to issue is waived, per § 40-6-109.5(3), C.R.S., the Commission is not bound by the statutory deadline in § 40-6-109.5(1), C.R.S.

6. 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

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

Doug Dean,
Director