

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

DOCKET NO. 04A-113G

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IN THE MATTER OF THE JOINT APPLICATION OF KINDER MORGAN, INC., AND ROCKY MOUNTAIN NATURAL GAS COMPANY FOR AN ORDER GRANTING APPROVALS AND EXCLUSIVE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING: (1) KINDER MORGAN, INC., TO CONSTRUCT AND OPERATE NATURAL GAS DISTRIBUTION FACILITIES AND TO PROVIDE NATURAL GAS SERVICES IN ACCORDANCE WITH ITS APPLICABLE TARIFF WITHIN A PROPOSED GEOGRAPHIC SERVICE TERRITORY IN AND AROUND THE TOWN OF WHITEWATER IN MESA COUNTY, COLORADO, AND (2) ROCKY MOUNTAIN NATURAL GAS COMPANY TO CONSTRUCT AND OPERATE NATURAL GAS FACILITIES AND TO ADD TWO ADDITIONAL WHOLESALE NATURAL GAS SERVICE DELIVERY POINTS TO KINDER MORGAN, INC., IN ORDER TO SERVICE KINDER MORGAN'S GAS SUPPLY REQUIREMENTS FOR ITS PROPOSED WHITEWATER SERVICE TERRITORY IN MESA COUNTY, COLORADO, IN ACCORDANCE WITH ROCKY MOUNTAIN'S APPLICABLE TARIFF.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
ESTABLISHING PROCEDURAL  
SCHEDULE, SETTING FINAL  
PREHEARING CONFERENCE, AND  
SETTING HEARING DATES**

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Mailed Date: May 28, 2004

**I. STATEMENT**

1. On March 12, 2004, Rocky Mountain Natural Gas Company and Kinder Morgan, Inc. (collectively, Applicants), filed a Verified Joint Application (Application). Applicants seek approvals and Certificates of Public Convenience and Necessity, as more specifically described in the Application, necessary to provide natural gas service within a proposed Whitewater Service Territory in Mesa County and to construct and to operate facilities necessary to provide

service in that proposed service territory. Applicants filed their direct testimony and exhibits with the Application. The Application commenced this proceeding.

2. On March 15, 2004, the Commission gave public notice of the Application. *See* Notice of Application Filed, dated March 15, 2004 (Notice). Public Service Company of Colorado (PSCo) and Staff of the Commission (Staff) intervened.

3. The Commission deemed the application complete as of April 19, 2004. *See* Minute Order dated April 28, 2004. Absent Applicants' waiver of the statutory time frame or a finding of extraordinary circumstances, a Commission decision in this proceeding should issue within 210 days of that date (*i.e.*, November 26, 2004). *See* §§ 40-6-109.5(1) and 40-6-109.5(4), C.R.S.; Decision No. R04-0486-I.

4. On May 28, 2004, pursuant to Decision No. R04-0486-I the undersigned Administrative Law Judge (ALJ) held a prehearing conference in this proceeding. All parties were present, were represented, and participated.

5. Based on the discussions and the procedural schedule proposed at the prehearing conference, the following procedural schedule will be adopted: (a) on or before **July 13, 2004**, PSCo and Staff each will file its answer testimony and exhibits; (b) on or before **August 5, 2004**, Applicants will file their rebuttal testimony and exhibits; (c) on or before **August 5, 2004**, PSCo and Staff each will file its cross-answer testimony and exhibits;<sup>1</sup> (d) on or before **August 9, 2004**, each party will file its corrected testimony and exhibits; (e) on or before **August 11, 2004**, each party will file its prehearing motions; (f) on or before **August 19, 2004**, the parties will file any

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<sup>1</sup> Cross-answer testimony may address *only* the answer testimony of another intervenor.

stipulation reached; (g) on or before **noon on August 20, 2004**, each party will file its response to prehearing motions;<sup>2</sup> (h) a final prehearing conference in this matter will be held on **August 25, 2004**;<sup>3</sup> (i) hearing in this proceeding will be held on **August 26 and 27, 2004**; and (j) on or before **September 3, 2004**, each party will file its post-hearing statement of position to which, absent further order, no response will be permitted.<sup>4</sup>

6. The **parties are advised** as follows: due to the absence of the ALJ from her office from September 13 through 27, 2004, and the resulting very tight timeframe for issuing a recommended decision in this matter (*i.e.*, four work days from the filing of the post-hearing statements of position), the ALJ will not accept and will not consider a statement of position filed after the close of business on Friday, September 3, 2004.

7. Absent further order, Rule 4 *Code of Colorado Regulations* (CCR) 723-1-77 governs discovery in this proceeding.

8. The Commission offers parties the opportunity to have a settlement conference with an ALJ other than the undersigned. If the parties wish to have such a conference, they may contact the undersigned, who will make the necessary arrangements.

9. Parties are reminded of Rule 4 CCR 723-1-22(d)(3), which states: "If a pleading refers to new court cases or other authorities not readily available to the Commission, six copies of each case or other authority shall be filed with the pleading." If a party wishes the

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<sup>2</sup> At the time its response is filed with the Commission, the filing party shall hand-deliver a copy to the ALJ's office. This requirement does not reduce the number of copies that must be filed with the Commission.

<sup>3</sup> If no prehearing motions are filed, there may be no need to hold this prehearing conference.

<sup>4</sup> At the time its post-hearing statement of position is filed with the Commission, the filing party shall hand-deliver a copy to the ALJ's office. This requirement does not reduce the number of copies that must be filed with the Commission.

Commission to consider a cited authority *other than* an opinion of the United States Supreme Court, a reported Colorado state court opinion, or a Commission decision, the party must provide copies of that cited authority.

10. The parties are requested to provide the decision number when referring to or citing a Commission decision.

## II. **ORDER**

### A. **It Is Ordered That:**

1. The procedural schedule set out above is adopted.
2. A prehearing conference in this docket is scheduled as follows:

DATE: August 25, 2004  
TIME: 9:00 a.m.  
PLACE: Commission hearing Room  
1580 Logan Street, OL2  
Denver, Colorado

3. Hearing in this matter will be conducted on the following date, at the following time, and in the following location:

DATES: August 26 and 27, 2004  
TIME: 9:00 a.m. on each day  
PLACE: Commission hearing Room  
1580 Logan Street, OL2  
Denver, Colorado

4. The Administrative Law Judge will not accept and will not consider a post-hearing statement of position that is filed after the close of business on Friday, September 3, 2004.

5. The parties shall follow the procedures and shall make the filings set out above.
6. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judges