

Decision No. R04-0892-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-520G

IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF ALL RULES
REGULATING GAS UTILITIES, AS FOUND IN 4 CCR 723-4, 8, 10, 11, 17, AND 32.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING UNOPPOSED MOTION,
SCHEDULING ADDITIONAL HEARING
DATES, AND WAIVING RESPONSE TIME**

Mailed Date: August 3, 2004

I. STATEMENT

1. On December 15, 2003, the Public Utilities Commission issued the Notice of Proposed Rulemaking which commenced this docket. *See* Decision No. C03-1371. Appended to that Order as Attachment B were proposed rules. That Order established hearing dates of March 10 and 11, 2004, and invited interested persons to participate in the rulemaking by submission of written comments and/or by presentation of oral comments.

2. At the time and place announced, the undersigned Administrative Law Judge (ALJ) held a hearing on the proposed rules.

3. Several participants requested both additional hearings and further opportunity to submit written comments. By Decision No. R04-0305-I the ALJ granted those requests, established a procedural schedule, and scheduled additional hearing dates of July 19 and 20, 2004. Hearings were held on those dates.

4. On July 6, 2004, Public Service Company of Colorado (PSCo) filed a Motion to Set Additional Hearing Dates. By Decision No. R04-0753-I, the ALJ granted that motion and scheduled hearings on August 5, 2004 (for comments on customer issues) and August 16, 2004 (for all other issues).

5. On August 2, 2004, the Office of Consumer Counsel (OCC) filed an Unopposed Motion to Schedule Additional Hearing Dates and Waiving Response Time (Motion). In the Motion, OCC stated that its primary witness in this matter will be unavailable on the scheduled August dates due to a personal family emergency. OCC further stated that it had contacted all active participants and that they are available for hearings on October 18 and 19, 2004. OCC represents that this schedule is acceptable to the active participants and that no active participant opposes the proposed hearing date modifications.

6. The Motion states good cause, and granting the Motion will not prejudice any active participant. In addition, granting the Motion will assure a better record in this rulemaking proceeding and, thus, will serve the public interest. The Motion will be granted.

7. *Two additional hearing dates and applicable procedures:* Two days of hearing will be added in this rulemaking proceeding: October 18 and 19, 2004. Interested persons will have an opportunity to make oral presentations. Any person who has raised a technical issue, or who has suggested a technical change to a proposed rule, must present a witness prepared to answer questions which may arise about the technical issue or change. Persons attending the hearing will have an opportunity to ask questions of any person making a presentation at the hearing. Participants are requested to have subject matter experts available at the hearing to respond to questions.

8. The ALJ expects that participants already have developed and presented their positions in written submissions and, thus, will not raise new issues for the first time at the hearing. Having questions, issues, suggested language changes, and positions known in advance of the hearing will allow participants to be prepared to discuss these matters at the hearing. This process will foster better understanding of positions and should result in a better record in this proceeding.

9. The hearings scheduled for August 5 and 16, 2004, will go forward as scheduled because they have been announced. The ALJ will call this matter on those dates and take the testimony of anyone who is present.

10. OCC represents that no active participant opposes the Motion. As a result, OCC asks for a waiver of response time or shortened response time. The request to waive response time will be granted; and response time to the Motion will be waived.

II. ORDER

A. It Is Ordered That:

1. The August 5 and 16, 2004, hearings will be held as scheduled.
2. The Unopposed Motion to Schedule Additional Hearing Dates is granted.
3. Additional hearings shall be conducted in this matter at the following time and dates:

DATES: October 18 and 19, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL-2
Denver, Colorado

4. Participants shall follow the procedures set out above.

5. The Motion to Waive Response Time is granted.
6. Response time to the Motion to Schedule Additional Hearing Dates is waived.
7. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge