

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 10A-278G

IN THE MATTER OF THE APPLICATION OF EASTERN COLORADO UTILITY CO. FOR
AN ORDER APPROVING THE NATURAL GAS DEMAND SIDE MANAGEMENT PLAN.

DECISION GRANTING MOTIONS

Mailed Date: April 29, 2014
Adopted Date: April 23, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Motion for Waiver of the Demand Side Management Annual Report Requirements for Formerly Separate Utilities Now Merged filed by Colorado Natural Gas, Inc. (CNG) on April 4, 2014 and a Motion for Waiver and Variance of Rules 4752(b), 4754(a)-(e), and 4755(a) filed by CNG on April 9, 2014.

2. Pursuant to Rules 4752 and 4754 of the Commission's Rules Regulating Gas Utilities and Pipeline Operators, 4 *Code of Colorado Regulations* 723-4, the Commission requires natural gas utilities to file, by April 1 of each year, an annual demand-side management (DSM) report. Specific information to be contained in the annual DSM report is set forth in Rules 4754(a)-(j).

3. CNG filed its 2013 annual DSM report in accordance with the aforementioned rules on April 1, 2014 in Proceeding No. 10A-273G concerning CNG's approved DSM plan for 2011 through 2013.

4. The motions filed in this proceeding address Eastern Colorado Utility Company (ECU), a formerly separate regulated utility.¹ ECU filed its DSM plan for years 2011 through 2013 prior to its purchase by CNG. CNG now operates ECU as its Eastern Colorado Division (ECD) under a single tariff.² The 2013 DSM annual report filed in Proceeding No. 10A-273G incorporates ECD within CNG without separate reporting for both ECD and CNG.

5. In the motions filed in this proceeding, CNG requests permission to combine the 2013 annual DSM reports for CNG and ECU and requests a waiver and variance of Rules 4752(b) and 4754(a)-(e).³ With respect to ECD, CNG requests a waiver and variance from Rule 4755(a), which requires a Measurement and Verification program to evaluate the actual performance of DSM programs and requires the natural gas utility to present this program as a part of its DSM plan application.

6. As grounds for its requests, CNG submits that the filing of two distinct annual DSM reports containing separate information for CNG and ECD would be administratively burdensome. CNG also states that the programs are managed and operated in a collaborative manner.

7. CNG further explains that in response to a request from the Staff of the Colorado Public Utilities Commission, CNG prepared a combined summary table, attached as Exhibit 1 to the motion filed on April 4, 2014, with 2013 DSM results shown separately for the former CNG,

¹ The purchase of ECU by CNG was approved by Decision No. R11-0297, issued March 18, 2011, in Proceeding No. 10A-916G.

² Consolidation of the CNG and ECU tariffs was approved by Decision Nos. R13-1090 issued September 3, 2013 and C13-1304 issued October 18, 2013 in Proceeding No. 13AL-0153G.

³ Concurrent with the filing of these motions in this proceeding, CNG filed similar motions requesting similar waivers and variances in Proceeding No. 10A-273G. CNG represents that the DSM plans for CNG and ECU are almost identical in process and format.

the former ECU, and the current combined CNG.⁴ CNG requests that the table be deemed to meet the requirements for reporting purposes under Rule 4754.

8. We find good cause to grant the relief requested in the motions. CNG operated ECD in a combined manner with the balance of its service area in 2013 and a separate accounting of the jointly-implemented DSM programs is no longer necessary. Further, we find that Exhibit 1 to the motion filed on April 4, 2014 provides the Commission with the requisite information for DSM program review and legislative reporting for 2013.

II. ORDER

A. The Commission Orders That:

1. The Motion for Waiver of the Demand Side Management Annual Report Requirements for Formerly Separate Utilities Now Merged filed by Colorado Natural Gas, Inc. (CNG) on April 4, 2014 is granted.

2. The Motion for Waiver and Variance of Rule 4752(b), Rule 4754(a)-(e), and Rule 4755(a) filed by CNG on April 9, 2014 is granted.

3. The 20-day period provided in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

⁴ By Decision No. C13-0793, issued June 27, 2013 in Proceeding No. 13A-0467G, the Commission approved a DSM plan for CNG for 2014 through 2016. The DSM programs implemented under the plan cover the entire CNG service area including ECD.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 23, 2014.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners