

Decision No. C14-0637

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 12A-430G

IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC., FOR AN ORDER APPROVING LOW INCOME CUSTOMER ASSISTANCE PROGRAM PURSUANT TO 4 CCR 723-4-4412.

**DECISION GRANTING MOTION FOR
WAIVER OF THE LOW INCOME
RULES INVOLVING PHASE III ELIGIBILITY**

Mailed Date: June 16, 2014

Adopted Date: June 11, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion for Waiver and Variance of the Low Income Rules Involving Phase III Eligibility (Motion), filed by Colorado Natural Gas (CNG or Company) on April 30, 2014.

2. By Decision No. C12-0696, mailed in this proceeding on June 27, 2012, the Commission granted CNG's Amended Application for approval of its Customer Assistance Program (CAP), a gas service low-income assistance program.

3. By its Application, CNG also sought a waiver of Rule 4412(c)(II)(B)(iii) of the Rules Regulating Gas Utilities and Pipeline Operators, 4 *Code of Colorado Regulations* 723-4, or Phase III of the low-income assistance rules. This rule requires regulated gas utilities to limit the eligibility of low-income customers to customers that are at or below 185 percent of the federal poverty level for the third and subsequent years of the program. CNG argued the Colorado Department of Human Services (CDHS) set its low-income qualification at 150 percent

of the federal poverty level, which made it difficult and expensive to determine which customers qualified for the 185 percent threshold. The Commission found that the request was premature and instructed the Company to file its waiver request when it files tariff pages for Phase III of its low-income assistance program.¹ CNG filed its Motion on April 30, 2014 pursuant to these instructions.

4. CNG states that CDHS has not increased its low-income qualification to 185 percent of the federal poverty level, so the data on customers qualifying for that threshold remains difficult and expensive to obtain. Thus, CNG renews its request for a waiver of Rule 4412(c)(II)(B)(iii). CNG seeks approval to remain at Phase II eligibility and serve customers below 150 percent of the federal poverty level for the 2014 to 2015 program years and subsequently until CDHS has information regarding customers having income between 150 and 185 percent of the poverty level. CNG also seeks approval to remain at Phase II program cost recovery.

5. On May 30, 2014, CNG filed a Motion for a Commission Order *Nunc Pro Tunc* (Motion for *Nunc Pro Tunc*) regarding CNG's Advice Letter No. 73 and for a Waiver of Response Time (Motion for Waiver). The purpose of Advice Letter No. 73 and the accompanying Tariff Sheets was to modify tariff sheets for CNG's CAP so that CNG would not be required to increase its CAP funding from \$0.28 to \$0.315 to be effective June 1, 2014 as stated in the Tariff. The purpose for the *Nunc Pro Tunc* request is to provide for CNG's revised Tariff Sheets to go into effect as of June 1, 2014, as originally proposed, based upon anticipated Commission review and approval of the Motion for Waiver to be presented by Commission Staff at the June 11, 2014 Weekly Meeting.

¹ Decision No. C12-0696, at ¶ 17.

6. No party opposes either motion. We find good cause to grant the Motion for Waiver and waive Rules 4412(c)(II)(B)(iii) and 4412(c)(III)(B)(iii). Additionally, we find good cause to grant the Motion for *Nunc Pro Tunc* to provide for CNG's revised Tariff Sheets to go into effect as of June 1, 2014.

II. ORDER

A. The Commission Orders That:

1. The Motion for Waiver and Variance of the Low Income Rules Involving Phase III Eligibility, filed by Colorado Natural Gas on April 30, 2014, is granted, consistent with the discussion above.

2. The Motion for a Commission Order *Nunc Pro Tunc* involving the date for which the Tariff Sheets are to go into effect, filed by Colorado Natural Gas on May 30, 2014, is granted, consistent with the discussion above.

3. The 20-day period provided for 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.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 2014.**

(S E A L)



ATTEST: A TRUE COPY

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

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners