

Decision No. R14-0467-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14M-0241EG

IN THE MATTER OF COMMISSION CONSIDERATION OF MULTI-YEAR RATE PLAN
ADVICE LETTER FILINGS AND TARIFF SHEETS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION, PERMITTING LATE-FILED
INTERVENTION, AND WAIVING RESPONSE TIME**

Mailed Date: May 5, 2014

I. STATEMENT

1. On March 21, 2014, by Decision No. C14-0302, the Commission opened this Proceeding and referred it to an Administrative Law Judge (ALJ).

2. On April 30, 2014, in Decision No. R14-0445-I, the ALJ set out the procedural history of this Proceeding. That history is repeated here as necessary to put this Interim Decision in context.

3. In Decision No. C14-0302, as relevant here, the Commission established an intervention period. The intervention period expired on April 23, 2014.

4. On May 2, 2014, Colorado Natural Gas, Inc. (CNG), filed (in one document) a Motion for Leave to Intervene Out of Time [CNG Motion] and [for] Waiver of Response Time [CNG Request].

5. CNG represents that it is authorized to state that no party opposes the relief sought in the CNG Motion. Given this representation, the ALJ finds that no party will be prejudiced if

the CNG Request is granted. The ALJ will grant the CNG Request and will waive response time to the CNG Motion.

6. In the CNG Motion, CNG explains the circumstances that led to its late-filed request to intervene in this Proceeding. The ALJ finds the explanation to be reasonable. The ALJ finds that the CNG Motion states good cause for the late-filing.

7. In the CNG Motion, CNG establishes that this Proceeding may substantially affect its pecuniary or tangible interests; that its interests are not otherwise adequately represented; and that its participation will not broaden the issues in this case. “CNG also agrees to take the proceeding as it finds it.” CNG Motion at ¶ 9.

8. The ALJ finds that CNG has met the requirements for intervention by permission as set out in Rule 4 *Code of Colorado Regulations* 723-1-1401(c).¹ Also, given CNG’s agreement to take this Proceeding as it stands, the ALJ finds that granting the request to intervene out-of-time will neither disrupt this Proceeding nor disadvantage any party. Further, it is early in the Proceeding; there is no procedural schedule at present; and the CNG Motion was filed only nine days after the expiration of the intervention period.

9. CNG represents that it is authorized to state that no party opposes the relief sought in the CNG Motion. Thus, the ALJ finds that no party will be prejudiced if the CNG Motion is granted.

10. The ALJ will grant the CNG Motion. CNG is permitted to intervene out-of-time and is an intervenor and a party in this Proceeding.

¹ This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

11. The ALJ notes that CNG is aware of Decision No. R14-0445-I and its contents. CNG Motion at ¶¶ 3, 9. CNG is held to the requirements in that Interim Decision.

II. ORDER

A. It Is Ordered That:

1. The Motion for Leave to Intervene Out of Time filed on May 2, 2014 by Colorado Natural Gas, Inc., is granted.
2. Colorado Natural Gas, Inc., is a party in this Proceeding.
3. The Motion for Waiver of Response Time filed on May 2, 2014 by Colorado Natural Gas, Inc., is granted.
4. Response time to the Motion for Leave to Intervene Out of Time is waived.
5. Colorado Natural Gas, Inc., is held to the advisements contained in Decision No. R14-0445-I.

6. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director