

Decision No. R14-0573-I

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

PROCEEDING NO. 14M-0241EG

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

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
ESTABLISHING FILING SCHEDULE AND  
SCHEDULING ORAL ARGUMENT**

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Mailed Date: May 29, 2014

**I. STATEMENT**

1. On March 24, 2014, by Decision No. C14-0302, the Commission opened this Proceeding and referred it to an Administrative Law Judge (ALJ). In that Decision, the Commission also designated four necessary parties: Public Service Company of Colorado (Public Service); Climax Molybdenum Company (Climax); the Colorado Office of Consumer Counsel (OCC); and Trial Staff of the Commission (Staff).

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. The following entities were permitted to intervene: Atmos Energy Corporation (Atmos); Black Hills/Colorado Electric Utility Company, L.P. (Black Hills/Electric); Black Hills/Colorado Gas Utility Company, L.P. (Black Hills/Gas);<sup>1</sup> Colorado Natural Gas, Inc.

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<sup>1</sup> Unless the context indicates otherwise, Black Hills/Electric and Black Hills/Gas, collectively, are Black Hills.

(CNG); Rocky Mountain Natural Gas LLC (RMNG); and SourceGas Distribution LLC (SourceGas).

4. Atmos, Black Hills, Climax, CNG, OCC, Public Service, RMNG, SourceGas, and Staff, collectively, are the Parties. Each party is represented by legal counsel.

5. By Decision No. R14-0445-I, the ALJ scheduled a May 14, 2014 prehearing conference in this Proceeding. The ALJ called the prehearing conference as scheduled. The Parties were present, were represented, and participated. During the course of the prehearing conference, the ALJ made bench rulings; this Interim Decision memorializes those rulings.

6. At the prehearing conference, Atmos, Black Hills/Electric, Black Hills/Gas, RMNG, and SourceGas each stated that it supports the position taken by Public Service as stated in the Public Service legal briefs on the Multi-Year Plan issue filed in Proceeding No. 12AL-1268G on September 20, 2013 and on October 4, 2013.

7. At the prehearing conference, the Parties agreed that this Proceeding is a declaratory order-type proceeding because the case presents legal questions only and requires no fact-finding. The Parties also agreed that, in this Proceeding, no party bears the burden of proof because the issues presented are legal and, to some extent, policy-based. The ALJ concurs with the Parties.

8. The Parties agreed to the following procedural schedule: (a) not later than **June 30, 2014**, each party will file its opening legal brief (this includes supplemental briefing by Climax, OCC, Public Service, or Staff, if any of them wishes to do so); (b) not later than **July 31, 2014**, each party will file its response legal brief (this includes supplemental briefing by Climax, OCC, Public Service, or Staff, if any of them wishes to do so); and (c) the ALJ will hear oral argument on **August 27, 2014**.

9. The ALJ notes that there is no statutory provision governing the time within which the Commission must issue a decision in this Proceeding. Consequently, the ALJ finds the proposal to be reasonable and will adopt the procedural schedule.

10. During the prehearing conference, the Parties stated that the four legal briefs filed in Proceeding No. 12AL-1268G and incorporated by reference into the instant Proceeding all reference, and cite to, the Public Service Advice Letter and appended tariff sheets that were at issue in Proceeding No. 12AL-1268G but that are not at issue in this instant Proceeding. The Parties proposed, and the ALJ agrees, that the references to the Public Service Advice Letter and appended tariff sheets should be used as examples only.

11. Because the issues in this Proceeding are legal or policy-based, the Parties do not believe there is a need to conduct discovery. In the event the Parties do conduct discovery, Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1405<sup>2</sup> will govern discovery.

12. Because the issues in this Proceeding are legal or policy-based, the Parties do not foresee filing information that may be claimed to be confidential. In the event the Parties file information claimed to be confidential, Rules 4 CCR 723-1-1100 and 4 CCR 723-1-1101 will govern the treatment of that information.

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<sup>2</sup> This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

**II. ORDER**

**A. It Is Ordered That:**

1. An oral argument in this matter shall be held on the following date, at the following time, and in the following location:

DATE: August 27, 2014

TIME: 10:00 a.m.

PLACE: Commission Hearing Room  
1560 Broadway, Suite 250  
Denver, Colorado

2. The following procedural schedule is adopted: (a) not later than June 30, 2014, each party shall file its opening legal brief; and (b) not later than July 31, 2014, each party shall file its response legal brief.

3. Rule 4 *Code of Colorado Regulations* 723-1-1405 shall govern discovery.

4. Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101 shall govern the treatment of information claimed to be confidential.

5. Each party is held to the advisements contained in the Interim Decisions issued in this Proceeding.

6. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director