

Decision No. R14-0949-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14AL-0300G

IN THE MATTER OF ADVICE LETTER NO. 511 FILED BY ATMOS ENERGY CORPORATION TO PLACE INTO EFFECT TARIFF SHEET CHANGES TO BE EFFECTIVE ON MAY 5, 2014.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SHORTENING RESPONSE TIME
TO MOTION TO STRIKE**

Mailed Date: August 5, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only those portions of the procedural history necessary to understand this Decision are included.
2. On April 2, 2014, Atmos Energy Corporation (Atmos) filed Advice Letter No. 511 (Advice Letter) seeking to place in effect tariff sheet changes on May 5, 2014. That same day, Atmos filed Direct Testimony and Exhibits to the Direct Testimony.
3. During its weekly meeting held April 30, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition. Decision No. C14-0452.
4. On May 9, 2014, the ALJ scheduled a prehearing conference in this matter to take place on June 5, 2014. Decision No. R14-0494-I.
5. The Colorado Office of Consumer Counsel and Public Utilities Commission trial Staff timely intervened of right.

6. On May 13, 2014, Energy Outreach Colorado (Energy Outreach) filed a Motion to Intervene, seeking permissive intervention in this proceeding.

7. On June 6, 2014, after holding a prehearing conference, the ALJ established a procedural schedule, and scheduled the matter for an evidentiary hearing for August 13, 14, and 15, 2014. Decision No. R14-0618-I. The same Decision granted Energy Outreach's Motion to Intervene.

8. Consistent with that procedural schedule, Interveners filed their Answer Testimony on July 8, 2014, and Atmos filed its Rebuttal Testimony on July 28, 2014.

9. On August 1, 2014, Energy Outreach filed and served a "Motion to Strike Certain Rebuttal Testimony (Motion).

10. Under Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, responses to motions are due within 14 days of the date the motion is served on the responding party. Consequently, responses to the Motion will be due after the evidentiary hearing commences.

11. The Motion seeks to strike certain rebuttal testimony offered by Atmos. Because the Motion implicates the evidence to be presented at hearing, the resolution of that motion directly informs the parties' preparation for the hearing. As a result, it is in the parties' interests for the Motion to be addressed prior to the time the hearing is scheduled to commence. Based on the foregoing, the ALJ finds good cause to shorten the response time to the Motion. The ALJ will *sua sponte* shorten the response time to the Motion, as set forth below.¹

¹ The ALJ informally notified the parties' counsel by email of this Decision on August 4, 2014.

II. ORDER

A. It Is Ordered That:

1. The response time to “Colorado Energy Outreach’s Motion to Strike Certain Rebuttal Testimony” is shortened to August 8, 2014 at 5:00 p.m. MST.
2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director