

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19AL-0075G

IN THE MATTER OF ADVICE LETTER NO. 1 FILED BY BLACK HILLS COLORADO GAS, INC. TO PLACE IN EFFECT ITS NEW P.U.C. VOLUME NO. 1 TARIFF ESTABLISHING NEW RATE SCHEDULES AND BASE RATES FOR ALL NATURAL GAS SALES AND TRANSPORTATION SERVICES, INCREASING JURISDICTIONAL BASE RATE REVENUES, COMBINING EXISTING GAS COST ADJUSTMENT (“GCA”) AREAS INTO NEW GCA REGIONS, IMPLEMENTING A DISTRIBUTION SYSTEM INTEGRITY RIDER, REVISING THE CONSTRUCTION ALLOWANCE CALCULATION METHOD, AND OTHER PROPOSED TARIFF CHANGES TO REPLACE AND SUPERSEDE ITS P.U.C. VOLUME NO. 3 TARIFF (FORMERLY BLACK HILLS/COLORADO GAS UTILITY COMPANY, INC.) AND P.U.C. VOLUME NO. 7 TARIFF (FORMERLY BLACK HILLS GAS DISTRIBUTION, LLC) IN THEIR ENTIRETY, TO BECOME EFFECTIVE ON MARCH 4, 2019.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
CONSTRUING EMAIL AS MOTION AND
SHORTENING RESPONSE TIME TO EMAIL/MOTION
AND MOTION FOR RULE 1108 REMEDIES
FOR PROHIBITED COMMUNICATION**

Mailed Date: December 9, 2019

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I. BY THE COMMISSION

A. Background

1. On December 3, 2019, the undersigned Administrative Law Judge (ALJ) issued Decision No. R19-0968-I that scheduled a technical conference for December 18, 2019 and directed Black Hills Colorado Gas, Inc. (BHCG) to file and serve in advance of the technical conference the revenue requirement studies, class cost of service studies, and bill impacts for four scenarios.

2. On December 6, 2019, counsel for BHCG sent an email to the undersigned ALJ requesting clarification of the scenarios and/or proposing a fifth scenario to be modeled (BHCG's email). BHCG copied counsel for all of the parties to the proceeding except for A M Gas Transfer Co. and The Vail Corporation.

3. Later on December 6, 2019, Trial Staff of the Commission (Staff) filed a Motion for Rule 1108 Remedies for Prohibited Communication (Rule 1108 Motion). In the Rule 1108 Motion, Staff states that BHCG's Email is a prohibited communication under Rule 1106 of the Commission's Rules of Practice and Procedure.¹ Staff filed BHCG's Email as Attachment A to the Rule 1108 Motion.

B. Analysis

4. BHCG's Email is construed as a motion and response time thereto shall be shortened to December 11, 2019. Similarly, response time to Staff's Rule 1108 Motion shall be shortened to December 11, 2019.

¹ 4 Colorado Code Regulations 723-1.

II. ORDER

A. It is Ordered That:

1. The email from counsel for Black Hills Colorado Gas, Inc. referenced above that Trial Staff of the Commission filed on December 6, 2019 as Attachment A to the Motion for Rule 1108 Remedies (Rule 1108 Motion) is construed as a motion, and response time thereto is shortened to December 11, 2019.

2. Response time to the Rule 1108 Motion is shortened to December 11, 2019.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director