

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0311G

IN THE MATTER OF THE PETITION OF COLORADO NATURAL GAS, INC. FOR A WAIVER OR VARIANCE APPROVING A METER SAMPLING PROGRAM PURSUANT TO RULE 1003(B) OF THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE AND RULE 4304(B) OF THE COMMISSION'S RULES REGULATING GAS UTILITIES AND PIPELINE OPERATORS, 4 CCR 723-4-4304(B) AND FOR A WAIVER OF RULE 4304(D).

**COMMISSION DECISION GRANTING THE PETITION
OF COLORADO NATURAL GAS, INC. FOR A WAIVER
TO THE NUMBER OF METERS REQUIRED TO BE
TESTED IN 2020 DUE TO COVID-19 LIMITATIONS**

Mailed Date: September 3, 2020

Adopted Date: September 2, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a petition filed by Colorado Natural Gas, Inc. (CNG or Utility) on July 24, 2020 for a waiver from the number of meters required to be tested in calendar year 2020 pursuant to the Commission's Rules Regulating Gas Utilities and Pipeline Operators, 4 *Code of Colorado Regulations* (CCR) 723-4-4304(b) and 4 CCR 723-4-4304(d), and the meter testing plan approved by the Commission in Decision No. R19-0219 (Petition).

2. The Commission issued notice of the Petition on July 27, 2020 requiring that persons desiring to intervene must file an appropriate pleading to do so before August 26, 2020.

3. No objections, interventions, or other pleadings were filed.

4. CNG's meter testing program was approved by the Commission on March 6, 2019 in Decision No. R19-0219, Proceeding No. 18A-0810G pursuant to 4 CCR 723-4-4304(b) and 4 CCR 723-4-4304(d). The details of the approved meter testing program are provided in Attachment A, to Decision No. R19-0219.

5. The testing plan consists of two subprograms: 1) diaphragm meters of up to 500 cubic-feet per hour (CFH) are tested pursuant to a statistical sample meter testing program approved by the Commission pursuant to Rule 4304(b); and (2) all diaphragm meters greater than 500 CFH, all rotary meters, and all turbine meters are tested on a periodic basis (every five years) pursuant to Commission Rule 4304(d).

6. The CNG statistical sample meter testing program for diaphragm meters of up to 500 CFH is based on American National Standards Institute/American Society for Quality Standard No. Z1.9-2003 (R2013), *Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming*. The standard establishes the minimum number or quantity of meters that must be tested (sample size) based on the number of meters in each meter lot and the desired quality level.

7. CNG states in the petition:

COVID-19 has created meter testing and operational limitations that will render CNG unable to meet its required 2020 meter test thresholds as required by the testing program. Specifically, in accordance with state and federal COVID-19 health guidance, CNG has implemented new restrictions on field activity and customer interactions. To maintain the safety of Company employees and customers, CNG has suspended meter removals requiring facility entry or customer interaction during the COVID-19 health crisis. Due to this suspension in meter removals, the Company's ability to administer its meter test program as required has been constrained.¹

¹ Petition, ¶12.

8. CNG further asserts:

Due to COVID-19 impacts on both CNG's meter removal and testing capabilities, based on current 2020 meter removal and testing quantities CNG's projected 2020 meter tests will not meet the required testing quantities under its testing program for certain meter lots or groups.²

9. CNG states that it will: continue to remove and test meters while exercising appropriate public health protections; at the conclusion of the test period, December 31, 2020, CNG will review the results to determine the statistical relevance of the meter test quantities in each lot; and analyze the test results of statistically relevant lots as required under the testing program to assess for required meter remediation programs.³

10. Lastly, CNG states that under the requested waiver, the current meter test program will conclude at the end of calendar year 2020, with a new testing program beginning in 2021.⁴

B. Findings and Conclusions

11. CNG is a public utility as defined in § 40-1-103, C.R.S., and is subject to the jurisdiction of the Commission.

12. The Commission agrees that the Covid-19 situation has created limitations that include the ability to routinely remove, test, and replace meters pursuant to the Utility's approved meter testing program.

13. Granting the petition for waiver from the number of meters required to be tested in calendar year 2020 pursuant to the meter testing plan approved by the Commission is consistent with the Governor's Executive Order D 2020 017, *Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State*, and specifically Directive D(1)(c) which

² *Ibid.*, ¶13.

³ *Ibid.*, ¶14.

⁴ *Ibid.*, ¶15.

directs critical businesses such as utilities to comply with social distancing requirements, and is in the public interest as it protects the health and welfare of the citizens of Colorado.

14. For these reasons, the Commission finds that the waiver should be granted.

II. **ORDER**

A. **The Commission Orders That:**

1. The Petition for waiver of the number of meters required to be tested in calendar year 2020 pursuant to the Commission's Rules Regulating Gas Utilities and Pipeline Operators, 4 *Code of Colorado Regulations* (CCR) 723-4-4304(b) and 4 CCR 723-4-4304(d), and the meter testing plan approved by the Commission in Decision No. R19-0219 is granted.

2. 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.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 2, 2020.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOHN GAVAN

MEGAN M. GILMAN

Commissioners

CHAIRMAN JEFFREY P. ACKERMANN
ABSENT.