

Decision No. R20-0376-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20F-0077G

WILLIAM C. DANKS,

COMPLAINANT,

V.

DCP OPERATING COMPANY, LP,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
ACCEPTING AMENDED COMPLAINT**

Mailed Date: May 19, 2020

I. STATEMENT, FINDINGS, AND CONCLUSIONS.

A. Procedural Background.

1. Only the procedural history necessary to understand this Decision is included. On February 25, 2020, William Danks (Mr. Danks) initiated this matter by filing a Complaint with the Public Utilities Commission. On March 31, 2020, Mr. Danks made filings purporting to amend or supplement the Complaint. *See* “Amendment to Formal Complaint” (Amendment) and Addendums 1 and 2 to the Formal Complaint.

2. On April 15, 2020, DCP filed a “Combined Motion to Strike Amended Complaint, Motion for Leave to Reply to Response to Motion to Dismiss, and Reply” (Motion to Strike). As relevant here, in its Motion to Strike, DCP sought to strike Mr. Danks’s Amendment.

3. On April 23, 2020, Mr. Danks filed “Complainant’s Response to DCP’s Pleading Filed on April 15, 2020.” The Administrative Law Judge (ALJ) construed Mr. Danks’s April 23, 2020 filing as his response to DCP’s Motion to Strike. Decision No. R20-0283-I issued April 24, 2020.

4. On April 24, 2020, the ALJ rejected Mr. Danks’s March 31, 2020 Amendment to Formal Complaint. *Id.* The ALJ also ordered that if Mr. Danks wishes to amend his Complaint, that he must file a motion consistent with Rule 1309(a), 4 *Code of Colorado Regulations* of the Commission’s Rules of Practice and Procedure, by May 7, 2020, with the proposed amended complaint. Decision No. R20-0283-I. The ALJ explained that if accepted, the proposed amended complaint will replace, not supplement, the original Complaint, and that the deadline to respond to a proposed amended complaint will not begin to run until the amended complaint is accepted. *Id.*

5. On May 1, 2020, Mr. Danks filed a Motion to Amend Complaint (Motion) and the proposed Amended Complaint, consistent with Decision No. R20-0283-I. On May 15, 2020, DCP filed a Response to Motion for Leave to Amend Formal Complaint (Response). In its Response, DCP states that it does not object to Mr. Danks’s Motion. As such, the Motion is unopposed.

6. Mr. Danks’s Motion fails to provide any cause to amend the Complaint. But, given that the Motion is unopposed, and in the interests of moving this matter forward to a full and final resolution, the ALJ will grant the Motion. The ALJ will accept the Amended Complaint; the Amended Complaint replaces the original Complaint. As such, the Amended Complaint filed on May 1, 2020 is the only Complaint at issue in this proceeding.

II. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, Mr. Danks’s Motion to Amend Complaint filed on May 1, 2020 is granted. The Amended Complaint filed on May 1, 2020 is accepted and is the only complaint at issue here.

2. DCP Operating Company, LP has 20 days from this Decision’s mail date to make a filing responding to the Amended Complaint.

3. 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