

Decision No. R21-0024-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0284G

IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC. FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A SYSTEM SAFETY AND INTEGRITY RIDER.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
REQUIRING ADDITIONAL NOTICE AND SCHEDULING
REMOTE PUBLIC COMMENT HEARING**

Mailed Date: January 13, 2021

I. STATEMENT, BACKGROUND, FINDINGS AND CONCLUSIONS

1. Only the procedural history necessary to understand this Decision is included. Colorado Natural Gas Inc. (CNG) initiated this matter by filing the above-captioned Application on June 26, 2020 seeking to implement a System Safety Integrity Rider (SSIR). The Colorado Public Utilities Commission Trial Staff (Staff) and the Office of Consumer Counsel (OCC) are the only interveners in this matter.

2. On January 5, 2021, the parties filed a “Joint Filing of the Proposed Additional Notice and Date For Public Comment Hearing . . .” (Joint Filing). The Joint Filing proposes that a remote public comment hearing be held on February 18, 2021, from 4:00 to 6:00 p.m., and that notice of that hearing and CNG’s proposed SSIR be provided by newspaper publication in its service territories. Joint Filing at 3. The Joint Filing also includes Attachment A, proposing language for the content of the notice to customers. *Id.* at 2; Attachment A to Joint Filing.

3. On January 8, 2021, the Administrative Law Judge (ALJ) scheduled a remote hearing for January 12, 2021 to address several questions concerning statements in the parties' Joint Filing. Decision No. R21-0012-I. The ALJ called the hearing as noticed. All parties appeared through counsel.

4. During the hearing, CNG stated that it does not believe it is required to provide additional notice under § 40-3-104(1)(c)(I), C.R.S., (2020), but that it agreed to provide additional notice as a compromise agreement with the other parties to this proceeding. The OCC believes that CNG is required to provide additional notice under § 40-3-104(1)(c)(I), C.R.S.; Staff's position on this remains unclear.

5. As to the manner of notice, the parties clarified their intent that CNG's additional notice does not include providing a bill insert to its customers, but instead focuses on publishing notice in local newspapers in CNG's service territories. The parties all believe this form of notice is appropriate under the circumstances.

6. CNG also clarified that it does not seek to provide notice by text or email to customers, as this presents technical challenges. CNG also raised concerns with providing a bill insert to customers based on increased costs, and potential delay in moving this proceeding forward given that it will take at least 60 days for all customers to receive bill inserts (based on their bill cycles).

7. In addition to publishing notice, CNG also agreed to issue a press release, which will be provided to the newspapers who will publish the notice. CNG reasons that a press release could prompt the media outlets to write a story, which would further highlight CNG's notice. Finally, CNG also agreed to publish notice on its website.

8. During the hearing, the parties agreed that a public comment hearing should be scheduled for March 8, 2021, instead of the original proposed date to allow CNG sufficient time to provide public notice 30 days before the public comment hearing.

9. The ALJ finds that the Commission has authority to require CNG to provide additional notice per § 40-3-104, C.R.S., and Rule 1207(e) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.¹ The ALJ further finds that additional notice is in the public interest, as it supports a transparent process that invites participation and input in response to CNG's requested relief. Additional notice is also in the public interest because CNG's Application may ultimately result in new charges that CNG's customers would bear. Holding a public comment hearing further invites participation and input, and is consistent with Rule 1509 as a means for interested persons to encourage the ALJ and the Commission in the exercise of their discretion. 4 CCR 723-1.

10. Given the parties' agreement as to notice, CNG's unique circumstances, and the delay already experienced in moving this matter toward a resolution, the ALJ finds that notice by publication in newspapers of general circulation in CNG's service territories and notice posted on CNG's website is appropriate. The ALJ stresses that this form of notice is approved in the unique circumstances here. To allow at least 30 days after notice is published before holding the public comment hearing, the hearing will be scheduled for March 8, 2021, as set forth below.

11. The parties' proposed content for the public notice is approved, with the exception of a few minor changes and additions intended to facilitate written public comments and

¹ While the ALJ concludes that the Commission has authority to require additional public notice, the ALJ does not decide whether § 40-3-104, C.R.S., mandates additional notice in the circumstances here.

participation during the public comment hearing. Attachment A to this Decision is the approved content for CNG's notice.

12. The ALJ will require CNG to make a filing contemplated by Rule 1207(d), 4 CCR 723-1, after it has provided the additional notice required by this Decision.

II. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, Colorado Natural Gas Inc. (CNG) will provide additional public notice of the action proposed in this proceeding by: publication in newspapers of general circulation in CNG's service territories and posting the additional notice on its website. CNG will also provide the publishing newspapers a press release concerning the notice. CNG must provide this additional notice at least 30 days before the scheduled remote public comment hearing.

2. Attachment A to this Decision is the approved content for CNG's additional notice.

3. Within 15 days of providing the additional public notice, CNG must file an affidavit with the Commission stating the date the notice was completed and the method used to provide it, with a copy of the notice provided.

4. A remote public comment hearing is scheduled in this matter as follows:

DATES: March 8, 2021

TIME: 3:30 p.m.

METHOD: Join by video-conference online or by telephone using the information to be publicly posted before the hearing at:

http://www.dora.state.co.us/pacific/Webcasts/ElectronicRecords/20A-0284G_Notice.pdf

5. Those wishing to participate in the remote public comment hearing must appear remotely, using a computer, tablet, smartphone, or telephone and may not appear in person at the Commission's office.

6. 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