

Decision No. R21-0230-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0072SG

IN THE MATTER OF THE APPLICATION OF COLORADO NATURAL GAS, INC. FOR AN ORDER AUTHORIZING A STOCK PLEDGE AND DEBT REFINANCE PURSUANT TO SECTION 40-1-104 C.R.S. AND SECTION 40-5-105 C.R.S.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING JOINT MOTION FOR PARTIAL SUSPENSION
OF PROCEDURAL SCHEDULE AND WAIVER OF
RESPONSE TIME AND ADOPTING REVISED SCHEDULE**

Mailed Date: April 14, 2021

I. STATEMENT

A. Background

1. On February 9, 2021, Colorado Natural Gas, Inc. (CNG) filed an Application requesting authorization for its parent company, Summit LDC Holdings, LLC, to refinance and restructure three credit facilities, pursuant to §§ 40-1-104 and 40-5-105, C.R.S., and Rules 4002, 4104, and 4105 of the Rules Regulating Gas Utilities and Pipeline Operators,¹ (Application).

2. On March 3, 2021, the Commission issued Decision No. C21-0122-I that deemed the Application incomplete, vacated the hearing scheduled for March 4, 2021, and extended the deadline for a decision in this proceeding pursuant to Rule 4105(g) of the Commission's Rules Regulating Gas Utilities and Pipeline Operators and § 40-1-104(5), C.R.S., and referred the proceeding to an Administrative Law Judge (ALJ).

¹ 4 Code of Colorado Regulations (CCR) 723-4.

3. On March 4, 2021, the ALJ issued Decision No. R21-0127-I that scheduled a remote prehearing conference for March 17, 2021, and ordered the parties to confer regarding a procedural schedule and CNG to file a report of the parties' conferral by March 12, 2021.

4. On March 12, 2021, CNG filed the report of the conferral by the parties, which resulted in a proposed schedule agreed to by the parties (Consensus Schedule).

5. On March 16, 2021, the ALJ issued Decision No. R21-0159-I that, among other things, established a prehearing schedule based on the Consensus Schedule, scheduled the hearing for May 18, 2021, and vacated the remote prehearing conference.

6. On March 26, 2021, the parties filed a Joint Motion for Partial Suspension of Procedural Schedule and Waiver of Response Time (Joint Motion). In the Joint Motion, the parties state that they

have engaged in preliminary settlement discussions . . . and believe that negotiation may be the best way to explore and resolve the issues in this case with the minimum expenditure of time and resources. . . . The partial suspension of the procedural schedule will give the Parties time to seek a resolution of the issues in this proceeding and to reach a settlement, and if settlement is successful, afford the ALJ an opportunity to hear expert witness testimony about the settlement on May 18, 2021. . . . The Parties propose to report the progress of those settlement discussions to the ALJ on or before April 9, 2021. If settlement appears unlikely to succeed, the Parties' report will propose a procedural path forward so the case can still be adjudicated.²

² Joint Motion at 2-3 (¶¶ 7-9).

7. On April 9, 2021, the parties filed the status report (Status Report) promised in the Joint Motion. In the Status Report, the parties state that they have engaged in settlement discussions over the last two weeks and that the discussions remain ongoing. Because the discussions have not yet yielded a settlement agreement, the parties propose the following revised and expedited schedule:

<u>Event:</u>	<u>Date/Deadline:</u>
Direct Testimony	April 19, 2021
Answer Testimony	May 3, 2021
Rebuttal/Cross-Answer Testimony	May 13, 2021
Prehearing Motions Corrections to Testimony Settlement Agreements	May 15, 2021
Evidentiary Hearing	May 18, 2021
Statements of Position	May 28, 2021

8. The parties also propose in the Status Report that response time to discovery be shortened to three business days.

B. Analysis

9. The parties state good cause to grant the Joint Motion. Accordingly, the Joint Motion will be granted. The schedule proposed by the parties above will be approved with the

addition of a deadline for filing of responses to prehearing motions and a witness cross-examination matrix. The modified schedule is as follows:

<u>Event:</u>	<u>Date/Deadline:</u>
Direct Testimony	April 19, 2021
Answer Testimony	May 3, 2021
Rebuttal/Cross-Answer Testimony	May 13, 2021
Prehearing Motions Corrections to Testimony Settlement Agreements	May 15, 2021
Responses to Prehearing Motions Witness Cross-Examination Matrix	May 17, 2021 (noon)
Evidentiary Hearing	May 18, 2021
Statements of Position	May 28, 2021

10. The revision to the response time to discovery proposed in the Status Report time will also be approved.

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the Joint Motion for Partial Suspension of Procedural Schedule and Waiver of Response Time (Joint Motion) filed by the parties on March 26, 2021 is granted and the revised schedule in paragraph 9 above is approved.

2. Response time to the Joint Motion is waived.

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