

Decision No. R21-0254-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
SHORTENING RESPONSE TIME TO MOTION FOR
LEAVE TO WITHDRAW APPLICATION**

Mailed Date: April 27, 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 (Midco), 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 4 CCR 723-4 (Application).¹ In Proceeding No. 19A-0070SG, the Commission approved CNG's request for a corporate restructuring that resulted in Midco's creation as the direct parent of CNG, and Midco's subsequent pledge of CNG's capital stock as security for the three credit facilities that CNG now seeks permission to restructure in the Application.²

¹ 4 *Code of Colorado Regulations* (CCR) 723-4 of the Commission's Rules Regulating Gas Utilities and Pipeline Operators.

² Decision No. C19-0195 issued in Proceeding No. 19A-0070SG on February 22, 2019.

2. On February 19, 2021, Commission Trial Staff (Staff) timely filed a notice of intervention by right and request for hearing.

3. 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).

4. On March 16, 2021, the ALJ issued Decision No. R21-0159-I that, among other things, established a prehearing schedule based on the proposed schedule agreed to by the parties, scheduled the hearing for May 18, 2021, and vacated the remote prehearing conference.

5. On April 15, 2021, the Office of Consumer Counsel (OCC) filed an Unopposed Motion for Late-Filed Intervention (Unopposed Motion).

6. On April 26, 2021, two relevant events occurred. First, the ALJ issued Decision No. R21-0252-I that granted the OCC's Unopposed Motion. Second, CNG filed a Motion for Leave to Withdraw the Application Pursuant to Rule 1309(d) of the Commission's Rules of Practice and Procedure (Motion for Leave).

B. Analysis

7. CNG states that Staff opposes the Motion for Leave. Pursuant to Commission Rule 1400(b),³ Staff and the OCC have to and including May 10, 2021 to file responses to the Motion for Leave. However, given that the hearing in this proceeding is scheduled for May 18,

³ 4 CCR 723-1 of the Rules of Practice and Procedure.

2021 and discovery is ongoing, an earlier response time is required. Accordingly, response time to the Motion for Leave will be shortened to April 30, 2021.

II. ORDER

A. It Is Ordered That:

1. For the reasons stated above, response time to the Motion for Leave to Withdraw the Application Pursuant to Rule 1309(d) of the Commission’s Rules of Practice and Procedure filed by Colorado Natural Gas, Inc. on April 26, 2021 is shortened. Trial Staff of the Commission and the Office of Consumer Counsel must file any responses to the Motion for Leave by April 30, 2021.

2. 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