

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0079G

IN THE MATTER OF THE VERIFIED APPLICATION OF BLACK HILLS COLORADO GAS, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE NATURAL GAS SERVICE IN THE AMARA PROPOSED TERRITORY AND FLYING HORSE EAST PROPOSED TERRITORY WITHIN EL PASO COUNTY, COLORADO.

**INTERIM DECISION GRANTING
SECOND UNOPPOSED MOTION TO HOLD
PROCEEDING IN ABEYANCE**

Issued Date: July 9, 2024

I. STATEMENT AND PROCEDURAL HISTORY¹

1. On February 14, 2024, Black Hills Colorado Gas, Inc. (“Black Hills” or “the Company”) initiated this matter by filing the above-captioned Application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to serve certain areas in El Paso County, State of Colorado.

2. On April 10, 2024, the Commission referred this matter by minute entry to an Administrative Law Judge (“ALJ”) for disposition.

3. In addition to Black Hills, the following entities are parties to this Proceeding: La Plata Cruz Holdings, LLC (“La Plata”) and Tee Cross Ranches, LLC (“Tee Cross”) (collectively, “the Developers”), Colorado Springs Utilities (“Springs Utilities”), and Colorado Public Utilities Trial Staff (“Staff”).²

¹ Only the procedural history necessary to understand this Decision is included.

² Decision No. R24-0346-I at 5 (mailed May 22, 2024).

4. On May 3, 2024, Black Hills filed an Unopposed Motion to Hold Proceeding in Abeyance and Request for Waiver of Response Time (“First Motion”).

5. On May 22, 2024, the ALJ acknowledged Black Hills’ waiver of the statutory deadline for a final Commission decision to issue (in its First Motion); granted the First Motion; held this matter in abeyance until July 15, 2024; and required Black Hills to file a status report by July 15, 2024.³

6. On June 26, 2024, Black Hills filed the Second Motion.

II. FINDINGS AND CONCLUSIONS

7. The Second Motion states that Staff, Springs Utilities, and the Developers do not oppose the relief requested therein.⁴ Given that the Second Motion is unopposed, the Company requests that the response time to it be waived.⁵

8. The Second Motion states that the City of Colorado Springs (“Colorado Springs”) was expected to address whether to annex one of the areas that Black Hills seeks to serve in June 2024, but that the public hearing date to consider annexation was moved to July 23, 2024, and a second one is expected to occur on August 13, 2024.⁶ The Second Motion submits that Colorado Springs’ decision on annexation may limit the issues in this Proceeding, and potentially, the parties to this Proceeding.⁷ Black Hills asserts that allowing for additional time gives the parties more time to discuss opportunities to resolve the issues in this Proceeding and promotes judicial and administrative efficiency.⁸ For these reasons, the Second Motion requests that this Proceeding

³ *Id.* at 5-6.

⁴ Second Motion at 1.

⁵ *Id.* at 3.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

be held in abeyance until September 16, 2024.⁹ The Company plans to provide an update on or before that date.¹⁰

9. As the Second Motion is unopposed, the ALJ finds good cause to waive the remaining response time to it and does so.¹¹

10. The ALJ finds that the Second Motion establishes good cause to hold this Proceeding in abeyance to September 16, 2024, and as such, grants the Second Motion. Black Hills is required to file a status report on by September 16, 2024, that provides an update on Colorado Springs' annexation efforts and whether this Proceeding should continue to be held in abeyance or whether the ALJ should enter appropriate orders to move this Proceeding forward. If by September 16, 2024, the Company believes that the matter is ready to move forward, Black Hills must confer with the parties on procedural deadlines and a hearing schedule and include a proposed procedural schedule in its status report.¹²

III. ORDER

A. It Is Ordered That:

1. The remaining response time to Black Hills Colorado Gas Inc.'s ("Black Hills") Second Unopposed Motion to Hold Proceeding in Abeyance and Request for Waiver of Response Time filed June 26, 2024 ("Second Motion"), is waived. The Second Motion is granted. This Proceeding is held in abeyance until at least September 16, 2024.

2. Black Hills must file a status report consistent with the above discussion on or by September 16, 2024.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

¹² The parties are encouraged to contact casey.federico@state.co.us or stephanie.kunkel@state.co.us to clear potential hearing dates that they wish to include in a proposed procedural schedule.

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 "Rebecca E. White".

Rebecca E. White,
Director