

Decision No. C20-0260-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 20V-0159EG

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IN THE MATTER OF THE JOINT PETITION OF ATMOS ENERGY CORPORATION, COLORADO NATURAL GAS, PUBLIC SERVICE COMPANY OF COLORADO, BLACK HILLS COLORADO GAS, INC., BLACK HILLS COLORADO ELECTRIC, INC., AND ROCKY MOUNTAIN NATURAL GAS LLC FOR AUTHORIZATION TO TRACK EXPENSES RESULTING FROM THE EFFECTS OF COVID-19 AND RECORD AND DEFER SUCH EXPENSES INTO A REGULATORY ASSET.

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**INTERIM DECISION SHORTENING  
PERIOD FOR NOTICE, INTERVENTION,  
AND RESPONSE TO JOINT PETITION**

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Mailed Date: April 15, 2020

Adopted Date: April 15, 2020

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

1. By this Decision, the Commission establishes a shortened period **through 12:00 p.m. on April 27, 2020**, for notice, intervention, and response to the Joint Petition filed by Atmos Energy Corporation, Colorado Natural Gas, Inc., Public Service Company of Colorado (on behalf of its regulated electric and natural gas utilities), Black Hills Colorado Gas, Inc., Black Hills Colorado Electric, Inc., and Rocky Mountain Natural Gas LLC (collectively, Joint Petitioners) on April 7, 2020, requesting to track and defer expenses resulting from the effects of COVID-19. **This Decision is the notice that the Joint Petition has been filed.**

2. Due to the ongoing restrictions in place as a result of COVID-19, the Joint Petition is available electronically for public inspection in the Commission's E-Filing system at <https://puc.colorado.gov/>.

3. The Joint Petitioners are seeking "authorization to track, record as a regulatory asset, and defer expenses resulting from each utility's response to the COVID-19 outbreak through December 31, 2020."<sup>1</sup> Joint Petitioners further explain that they "are only asking for authority to track, *nunc pro tunc* from March 1, 2020, incremental expenses incurred as a result of COVID-19, allowing the Commission and interested parties to evaluate the recoverability of those costs and other associated issues in future proceedings separately brought by each utility."<sup>2</sup>

4. The Joint Petitioners also ask the Commission to significantly shorten the standard notice and intervention period set forth in Rule 4 *Code of Colorado Regulations* 723-1-1206 of the Commission's Rules of Practice and Procedure, and that the Commission address the petition on an expedited basis. The Joint Petitioners suggest the Commission should close the notice and intervention period on April 14, 2020, just seven days after the Joint Petition was filed. The Joint Petitioners also ask the Commission, if no party intervenes and a hearing is unnecessary, to enter an order granting the Joint Petition on or before April 22, 2020.

5. The Commission may consider the Joint Petition without a hearing if no notice of intervention as of right or motion to permissively intervene is timely filed, or no notice of intervention as of right or motion to permissively intervene requests a hearing or contests or opposes the Joint Petition.

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<sup>1</sup> Joint Petition at pp. 1 and 2.

<sup>2</sup> *Id.* at p.2. (Emphasis in Original)

6. We find it appropriate in these circumstances to shorten the period for notice, intervention, and response to the Joint Petition in order to adopt an accelerated procedural schedule to rule on the requests in the Joint Petition. In considering the Joint Petitioners' request to shorten the standard notice period, however, we must weigh the time-sensitive nature of the Joint Petition with the need to provide interested persons notice and opportunity to respond and the requirement in § 40-6-108(2), C.R.S., that the Commission provide notice of petitions to interested persons. For all interested persons, including Commission Staff, the Commission establishes a shortened period through **12:00 p.m. on April 27, 2020**, for notice, intervention, and response to the Joint Petition. We intend to take up the merits of the Joint Petition soon thereafter.

## II. ORDER

### A. **It Is Ordered That:**

1. The Commission adopts a shortened period for notice, intervention, and response to the Joint Petition filed by Atmos Energy Corporation, Colorado Natural Gas, Inc., Public Service Company of Colorado (on behalf of its regulated electric and natural gas utilities), Black Hills Colorado Gas, Inc., Black Hills Colorado Electric, Inc., and Rocky Mountain Natural Gas LLC on April 7, 2020.

2. Any person, including Commission Staff, desiring to intervene or participate as a party in this proceeding shall file a petition for leave to intervene or, pursuant to the Commission's Rules of Practice and Procedure, other appropriate pleadings to become a party, together with any response supporting or opposing the Petition, on or before **12:00 p.m. on April 27, 2020**.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 15, 2020.**

( S E A L )



ATTEST: A TRUE COPY



Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners