

Decision No. R23-0299

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0117EG

PAULINE M. SEEGER,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
GRANTING MOTION TO DISMISS COMPLAINT AND
VACATE HEARING, VACATING HEARING, AND
CLOSING PROCEEDING**

Mailed Date: May 5, 2023

I. STATEMENT

A. Relevant Background

1. On March 9, 2023, Pauline Seeger filed a Formal Complaint (Complaint) against Public Service Company of Colorado (Public Service).

2. On March 10, 2023, the Commission scheduled the Complaint for an evidentiary hearing on May 23, 2023, starting at 9:00 a.m.

3. On March 22, 2023, the Commission referred this proceeding to an Administrative Law Judge (ALJ). This Proceeding was subsequently assigned to the undersigned ALJ.

4. On March 30, 2023, the parties filed their Notice of Settlement and Motion to Dismiss Complaint and Vacate Hearing of Public Service Company of Colorado (Motion to Dismiss). In the Motion to Dismiss, the parties stated that they “have voluntarily and mutually agreed to the complete resolution of the dispute and are therefore requesting that the formal complaint filed in this matter... be dismissed and the hearing scheduled for 05/23/2023 be vacated.”¹

B. Analysis

5. The parties have stated good cause to grant the Motion to Dismiss. Accordingly, the Motion to Dismiss shall be granted.

II. ORDER

A. The Commission Orders That:

1. The Notice of Settlement and Motion to Dismiss Complaint and Vacate Hearing of Public Service Company of Colorado (Motion to Dismiss), filed by the parties on March 30, 2023, is granted.

2. The hearing scheduled for May 23, 2023, at 9:00 a.m., is vacated.

3. Proceeding No. 23F-0117EG is closed.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the

¹ Motion to Dismiss at 2.

Commission upon its own motion, the Recommended Decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

- b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director