

Decision No. R23-0303

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0476T

IN THE MATTER OF THE APPLICATION OF GUNNISON/HINSDALE COMBINED
EMERGENCY TELEPHONE SERVICE AUTHORITY TO INCREASE THE EMERGENCY
TELEPHONE CHARGE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
GRANTING APPLICATION**

Mailed Date: May 8, 2023

I. STATEMENT

A. Procedural Background

1. On October 31, 2022, Gunnison/Hinsdale Combined Emergency Telephone Service Authority (Applicant) filed its Application for Emergency Telephone Charge increase pursuant to § 29-11-102(2)(c), C.R.S. (Application). The Application seeks Commission approval to increase its emergency telephone surcharge (ETC) from \$2.00 to \$3.00 per month.

2. On November 9, 2022, the Commission filed an Amended Notice of Application Filed (Notice) advising interested persons, firms, and corporations of the Application, setting an intervention deadline of November 23, 2022.

3. On November 23, 2022, the Colorado Cable Telecommunications Association (CCTA) filed a motion to permissively intervene in this proceeding (CCTA's Motion to Intervene).

4. On November 30, 2022, the Commission deemed the Application complete and referred this Proceeding to an Administrative Law Judge (ALJ) by minute entry.

5. By Decision No. R23-0034-I, issued January 13, 2023, the ALJ, among other things, granted CCTA's Motion to Intervene.

6. By Decision No. R23-0064-I, issued January 27, 2023, the ALJ scheduled a prehearing conference in this matter on February 3, 2023.

7. On February 3, 2023, a prehearing conference was held as scheduled. During the prehearing conference, CCTA, the sole intervenor in this Proceeding, indicated that it did not wish to contest the evidence as presented in the Application, and the parties agreed to each submit a closing statement of position to address legal issues in dispute.

8. By Decision No. R23-0099-I, issued February 10, 2023, the parties agreement that the CCTA would file its statement of position by March 3, 2023, and the Applicant would submit its statement of position by March 17, 2023, was accepted and approved.

9. On March 3 and 17, 2023, CCTA and Applicant, each, filed their respective Statements of Position (CCTA's Statement of Position and Applicant's Statement of Position, respectively).

B. Legal Standards

10. Rule 1407, 4 *Code of Colorado Regulations* (CCR) 723-1 states, in part:

The Commission encourages parties to offer into evidence a written stipulation resolving any fact or matter of substance or procedure that is at issue. An oral stipulation may be made on the record... The Commission may approve... any stipulation offered into evidence or on the record.

11. Rule 1500 of the Rules of Practice and Procedure, 4 CCCR 723-1 provides in pertinent part:

The burden of proof and the initial burden of going forward shall be on the party that is the proponent of a decision, unless previously agreed to or assumed by a party. The proponent of the order is that party commencing a proceeding...

12. According to Rule 1503 of the Rules of Practice and Procedure, 4 CCR 723-1, “[a]t any time during a proceeding, the Commission may order the filing of written briefs or statements of position.”

13. Rule 2147(b) of the Rules Regulating Telecommunication Services and Providers of Telecommunication Services, 4 CCR 723-2 provides in pertinent part:

... Applications [in excess of the threshold established by the Commission] must contain the following information:

(I) the name and address of the applicant;

(II) the name, address, telephone number, and e-mail address of the applicant's representative to whom all inquiries concerning the application should be made;

(III) the name, address, telephone number, and e-mail address of the applicant's contact person for customer inquiries concerning the application, if that contact person is different from the person listed in subparagraph (II);

(IV) a statement indicating the town, city, or virtual forum and any alternate town, city, or virtual forum where the applicant prefers any hearings be held;

(V) a statement that the applicant agrees to respond to all questions propounded by the Commission or Commission staff concerning the application;

(VI) a statement that the applicant shall permit the Commission or Commission staff to inspect the applicant's books and records as part of the investigation into the application;

(VII) a statement that the applicant understands that if any portion of the application is found to be false or to contain material misrepresentations, any authorities granted may be revoked upon Commission order;

(VIII) acknowledgment that, by signing the application, the applying governing body understands that:

(A) the filing of the application does not by itself constitute approval of the application;

(B) if the application is granted, the applying governing body shall not commence the requested action until the applying governing body complies with applicable Commission rules and with any conditions established by Commission order granting the application; and

(C) if a hearing is held, the applying governing body shall present evidence at the hearing to establish its qualifications to undertake, and its right to undertake, the

requested action; and

(D) in lieu of the statements contained in subparagraphs (b)(VIII)(A) through (C) of this rule, an applying governing body may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(VIII)(A) through (C) of this rule.

(IX) an attestation which is made under penalty of perjury; which is signed by an officer, employee, agent, or an attorney for the applying governing body, as appropriate, who is authorized to act on behalf of the applying governing body; and which states that the contents of the application are true, accurate, and correct; and which attests that within the last 18 months the applicant has not used emergency telephone charge funds for purposes not authorized by § 29-11-104(2), C.R.S., that the planned use of all future revenues raised from emergency telephone charges are authorized by § 29-11-104(2), C.R.S. and that the applicant agrees to comply with 29-11-104(5), C.R.S.;

(X) a report showing actual revenues and expenses for at least three previous years;

(XI) a five-year projected budget for the governing body with the proposed emergency telephone charge, including proposed capital expenses;

(XII) documentation of all budgetary line items in excess of \$50,000;

(XIII) any current intergovernmental agreement or equivalent document authorizing the governing body to collect and use emergency telephone charge funds;

(XIV) a resolution or equivalent decision by the governing body authorizing its agent to pursue approval for the requested emergency telephone charge;

(XV) a copy of the most recent audit performed of the governing body's finances, or the online address where a copy of such an audit may be found, or a statement that the governing body is exempt from audit requirements;

(XVI) a draft public notice and a statement regarding where the governing body proposes to publish the notice; and

(XVII) any additional supporting or explanatory documentation which may assist in the evaluation of the application.

14. Section 24-4-105(7), C.R.S. of the Administrative Procedure Act provides in part:

Except as otherwise provided by statute, the proponent of an order shall have the burden of proof, and every party to the proceeding shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts...

15. Section 29-11-101(16) provides that a “[g]overning body means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area pursuant to sections 29-11-102, 29-11-103, and 29-11-104.”

16. Section 29-11-101.5, C.R.S. states, in part: ...The commission may promulgate rules to implement this part 1 and to resolve disputes regarding the collection, payment, remittance, and audit of the emergency telephone charge, 911 surcharge...

17. Section 29-11-102(2)(c), C.R.S. states, in part:

If a governing body determines that an emergency telephone charge in excess of the threshold amount established by the commission pursuant to subsection (2)(f) of this section is necessary in order to provide continued and adequate emergency telephone service, the governing body shall obtain the commission's approval of such higher charge before its imposition...

18. Section 29-11-102(2)(f), C.R.S. states, in part "... the commission shall establish the authorized threshold amount per month per 911 access connection of the emergency telephone charge.... In setting the amount of the charge, the commission shall take into account inflation and the needs of the governing bodies."

19. Section 29-11-102(6), C.R.S. states:

The commission may consider the data collected pursuant to subsection (4) of this section as part of its evaluation of applications made by a governing body pursuant to subsection (2)(c) of this section to increase the emergency telephone charge imposed by the governing body beyond the threshold amount authorized by the commission, including considerations related to efficiency of operations.

20. Section 29-11-104(2)(a), C.R.S. states:

(I) Money collected from the emergency telephone charge imposed pursuant to section 29-11-102, the 911 surcharge imposed pursuant to section 29-11-102.3, and the prepaid wireless 911 charge imposed pursuant to section 29-11-102.5 shall be spent by or on behalf of a governing body solely to pay for:

(A) Costs associated with the lease or purchase, installation, engineering, programming, maintenance, monitoring, security, planning, and oversight of equipment, facilities, hardware, software, and databases used to receive and dispatch 911 calls;

(B) Charges of basic emergency service providers (BESPs) for the provision of basic emergency service;

(C) Costs related to the provision of the emergency notification service and emergency telephone service, including costs associated with total implementation of both services by emergency service providers, including costs

for programming, emergency medical services provided by telephone, radio equipment within the PSAP, and training for PSAP personnel;

(D) Costs associated with the operation of emergency telephone service and emergency notification service, including recordkeeping, administrative, and facilities costs, whether the facilities are leased or owned;

(E) Membership fees for state or national industry organizations supporting 911; and

(F) Other costs directly related to the continued operation of the emergency telephone service and the emergency notification service.

(II) If money is available after the costs and charges enumerated in subsection (2)(a)(I) of this section are fully paid in a given year, the money may be expended for:

(A) Public safety radio equipment outside the PSAP; or

(B) Personnel expenses necessarily incurred for a PSAP or the governing body in the provision of emergency telephone service.

C. Findings of Fact Discussion, and Conclusions

1. No Evidentiary Hearing

21. CCTA, the sole intervenor in this Proceeding, indicated that it did not contest the evidence set forth in the Application and the parties agreed that the matter could be decided without an evidentiary hearing. It is appropriate that this matter be resolved without an evidentiary hearing.

2. Applicant's and CCTA's Statement of Position

22. In CCTA's Statement of Position, CCTA advances two main arguments: Applicant's requested ETC increase to \$3.00 is too large, and therefore inconsistent the public interest;¹ and the Commission should carefully scrutinize the Application to ensure that providers and consumers pay only for legally authorized items.² In support of its first argument, CCTA states that a 200 percent surcharge increase since 2019 (from a \$1.00 in 2019 to the requested \$3.00 in the Application) is a "sizeable" increase that would impose a financial burden on

¹ See CCTA's Statement of position at 2-5.

² See *id.* at 5-7.

CCTA's members and the customers of CCTA's members.³ CCTA explains that the requested \$3.00 ETC comprises 15 to 30 percent of the cost of Voice over Internet Protocol (VoIP) services provided by CCTA's members, and that ETC rates for customers in other counties are substantially lower.⁴ CCTA also states that the Commission may use efficiency considerations in addressing ETC Applications and should not simply "rubber-stamp" the Application.⁵ CCTA explains that §§ 29-11-101.5, C.R.S., 29-11-102(2)(c), C.R.S., 29-11-102(2)(f), C.R.S., 29-11-102(6), C.R.S., and 40-15-501(2)(d), C.R.S. grant the Commission the requisite authority to direct Applicant to seek alternative sources of funding for Applicant's 9-1-1 services. In support of its second argument, CCTA asserts that, because of the size of Applicant's requested ETC increase, the Commission should use its regulatory authority to scrutinize the Application.⁶ CCTA requests that the Commission scrutinize Applicant's planned capital expenses against the expenditures categories listed in § 29-11-104(2)(a)(I), C.R.S. and require Applicant "to substantiate the expenses in its projected 5-year emergency telephone service budget, as it has done when considering similar applications from other emergency authorities..."⁷ In support of this request, CCTA cites Decision No. C22-0545-I in Proceeding No. 22A-0339T, issued Sept. 14, 2022, wherein the Commission required the applicant in that case to submit: "a description of the process it undertook to obtain quotes from vendors... and... a statement explaining the factors that were considered by the [applicant] in selecting the quotes that it included in its application." CCTA states that Applicant may use collected ETC funds only to pay for the items listed in § 29-11-104(2)(a)(I), and Applicant's intended use of ETC funds for personnel expenses

³ See *id.* at 2.

⁴ CCTA states that Denver consumers pay \$1.20; Jefferson County consumers pay \$1.30; and Larimer, Douglas, and Arapahoe Counties consumers pay \$0.70. *Id.* at 2-3.

⁵ See CCTA's Statement of position at 3-4

⁶ *Id.* at 5.

⁷ See *Id.* at 6-7.

“appears to be inconsistent with § 29-11-104(2)(a)(I), C.R.S.” Further, CCTA argues that Applicant may use ETC funds “solely” for the capital expenditures categories listed under § 29-11-104(2)(a)(I), C.R.S.⁸

23. In Applicant’s Statement of Position, Applicant advances four main counterarguments to CCTA’s Statement of Position: the Application meets the legal standard for approval by the Commission; CCTA’s arguments in opposition of Application ask the Commission to exceed its jurisdiction; two of CCTA’s factual allegations contain material inaccuracies; and the Commission’s grant of the Application is in the public interest.

24. In support of its first counterargument, Applicant states that Applicant’s requested increase of ETC funds is not intended to specifically fund personnel expenses and that ETC funds would only be used to fund personnel expenses only if “money is available after the costs and charges enumerated in subsection C.R.S. § 29-11-104(2) (2)(a)(I) are fully paid in a given year.” Rather, Applicant states that it intends to use the ETC funds to address three categories of capital improvement projects for Applicant’s public safety answering point (PSAP), which are authorized by § 29- 11-104(2)(a), C.R.S.: the replacement of antiquated and inefficient manual emergency medical dispatch card system; the purchase of a computer aided dispatch system and an associated record management system; and construction of four new repeater sites to close critical coverage gaps.⁹ Applicant also states that Applicant’s requested ETC increase is necessary in order to provide continued and adequate service. Applicant points out that Applicant is expected to incur a loss of over \$675,000 without any increase and, if no ETC

⁸ Applicant’s Statement of Position at 5-6.

⁹ *Id.* at 5-7.

increase is approved by 2024, Applicant “will either entirely exhaust its funds or be forced to forgo some of its planned expenses.”¹⁰

25. In support of its second counterargument, Applicant states that § 29-11-102(2)(c), C.R.S. expressly provides that governing bodies may request ETC increases in excess of the annual threshold set by the Commission.¹¹ Applicant argues that CCTA’s position that all requests to increase the ETC to \$3.00 ETC should be declared contrary to public interest is contrary to the authority expressly granted by § 29-11-102(2)(c), C.R.S. to governing bodies, such as Applicant.¹² Applicant also states that the Commission is not authorized to order Applicant to seek alternative funding sources for emergency telephone services, and the ordering of the same by the Commission would violate Article V, Section 35 of the Colorado Constitution.

26. In support of its third counterargument, Applicant states that CCTA’s claims that Applicant’s personnel expenses “‘have increased by over a half a million dollars in the past two years’” and “‘[i]n more rural areas, customers in Huerfano, Baca, and Moffat Counties and the San Luis valley area only pay \$0.70.’” are incorrect.¹³ Applicant explains that the reason for the apparent large increase personnel expenses is the result of recent changes in Applicant’s accounting practices. Applicant also explains that while some rural governing bodies have lower ETC, it is more common for the ETC in rural areas to exceed \$2.00.¹⁴ Applicant further points out that three of the four most recent Commission-approved ETC applications were for amounts of either \$3 or \$4.¹⁵

¹⁰ *Id.* at 8.

¹¹ *Id.* at 9.

¹² *Id.*

¹³ *Id.* at 11-12.

¹⁴ *Id.*

¹⁵ *Id.*

27. In support of Applicant's fourth counterargument, Applicant states that Applicant's requested ETC funds are necessary for Applicant to make necessary capital improvements in areas that are more difficult and costly to serve, and which have smaller populations to fund such improvements.¹⁶ Applicant further states that the Commission's denial of the Application "would preclude the residents and visitors of Gunnison, Hinsdale and Saguache counties from receiving urgently needed improvements to emergency telephone services."¹⁷

3. Application of Legal Standards to this Proceeding

28. Pursuant to Rule 1500 of the Rules of Practice and Procedure, 4 CCR 723-1, and § 24-4-105(7), C.R.S., the proponent of a Commission decision bears the burden of persuasion for its respective request(s). Here, Applicant is the proponent of a Commission Decision requesting the Commission to approve the Application; and CCTA is the proponent of a Commission decision requesting that the Commission find that Applicant's requested ETC increase is inconsistent with the public interest, should be further scrutinized, and be denied, and order Applicant to seek alternative sources of funding.

29. The Commission has held the ETC rate requested in an emergency telephone charge application that is compliant with § 29-11-104(2) must be just, reasonable, and in the public interest.¹⁸ Therefore, for the Application to be granted, Applicant's requested ETC amount (\$3.00) must be deemed just, reasonable, and in the public interest.

¹⁶ *Id.* at 12.

¹⁷ *Id.*

¹⁸ See, e.g., Decision No. R14-1140 in Proceeding No. 14A-0116T, issued September 17, 2014 at 9; Decision No. R15-0434 in Proceeding No. 14A-0996T, issued May 7, 2015 at 4; and Decision No. R17-0234 in Proceeding No. 16A-0665T, issued March 23, 2017 at 12.

4. Applicant's Requested Relief

30. Applicant is a governing body as defined by § 29-11-101(16), C.R.S. A governing body may incur equipment, installation, and other costs directly related to the continued operation of emergency telephone service pursuant to § 29-11-102, C.R.S. Governing bodies may expend collected ETC funds on certain expenses pursuant to § 29-11-104(2)(a), C.R.S.

31. The Commission has required, and continues to require, ETC applications to include quotes and other documentation to substantiate costs for proposed capital expenditures.¹⁹ The Application includes ten supporting exhibits: a spreadsheet of Applicant's actual revenue and expense, a spreadsheet of projected budget with the requested ETC increase, documentation of budgetary line items (including supplementary exhibits for the same), Applicant's intergovernmental agreement for 911 emergency telephone service, Applicant's resolution regarding its requested ETC increase, Applicant's audited financial statements, Applicant's public notice regarding the requested ETC increase, Applicant's affidavit regarding the veracity of the statements made in the Application, a spreadsheet and diagram of Applicant's capital replacement schedule, and Applicant's PSAP map.²⁰ Therefore, the Application is compliant with Rule 2147(b), 4 CCR 723-2.

32. Having reviewed the substance of Application, the ALJ finds that Applicant has met the burden of showing that it would use collected ETC funds to purchase an emergency medical dispatch card system; purchase a computer-aided dispatch system; and construct four

¹⁹ See Rule 2147(b), 4 CCR 723-2. See also Decision No. C16-0889 in Proceeding No. 16A-0577T, issued September 29, 2016 (granting emergency telephone charge application after the applicant supplemented its application with documents showing its recent capital expenditures and substantiating its cost estimates for future capital expenses).

²⁰ See Exhibits 1-10 to the Application.

new repeater sites, as outlined the Application and Exhibit 3 thereto. Such uses are permissible pursuant to § 29-11-104(2)(a), C.R.S.

5. CCTA's Requested Relief

33. As it relates to CCTA's position that Applicant's requested ETC increase is too large, § 29-11-102(2)(c), C.R.S. provides that a governing body that seeks to impose an emergency telephone charge in excess of the threshold amount established by the Commission must obtain the Commission's approval for the same. Colorado law does not limit rates for governing bodies' ETC rates. CCTA failed to show that Applicant failed to meet the standard set forth by § 29-11-102(2)(c), C.R.S. Rather, CCTA asserted that: some rural governing bodies have lower ETC rates than Applicant's, Applicant's requested ETC increase amount to 200 percent since 2019, and Applicant's requested ETC comprises 15 to 30 percent of the cost of VoIP services in the counties subject to Applicant's ETC.²¹ Because the record is silent on these assertions, the ALJ is not making any findings regarding the same herein. Nonetheless, these assertions, even if found to be true, are not tied to a legal standard upon which a determination as to the propriety of Applicant's requested ETC can be made. CCTA also argues that the Commission should be guided by the legislative declaration in § 40-15-501(2)(d), C.R.S. in setting Applicant's ETC rate.²² This argument, too, is not tied to a legal standard upon which a determination as to the propriety of Applicant's requested ETC can be made. The cited goal of ensuring that universal basic local exchange service is available to all residents of the state at reasonable rates, as set forth in § 40-15-501(2)(d), C.R.S. is applicable to the Commission's adoption of telecommunication rules (and not to individual telecommunication application cases,

²¹ CCTA's Statement of Position at 2-3.

²² *Id.* at 4.

such as the Proceeding at hand). Therefore, CCTA failed to meet its burden of showing that Applicant's requested ETC is too large.

34. As it relates to CCTA's request to have the Commission to direct Applicant to seek alternative sources of funding,²³ CCTA failed to demonstrate that approval of the application is not in the public interest. There is no applicable statutory or regulatory provision that requires Applicant to seek alternative sources of funding, in lieu of the imposition of ETC. Therefore, CCTA failed to substantiate its request to direct Applicant to seek alternative sources of funding.

35. CCTA requests the Commission to "scrutinize" the Application in order "to substantiate the expenses in its projected 5-year emergency telephone service budget..."²⁴ The ALJ thoroughly reviewed the Application, and in so doing considered applicable statutes and rules, including § 29-11-104(2)(a), C.R.S. and Rule 2147(b), 4 CCR 723-2. As found above, the ALJ determined that the Application is compliant with Rule 2147(b), 4 CCR 723-2, and that Applicant has met the burden of showing that it seeks to use collected ETC funds for permissible purposes pursuant to § 29-11-104(2)(a), C.R.S. Therefore, CCTA failed to substantiate its request to scrutinize the Application.

36. As indicated by CCTA, in Proceeding No. 22A-0339T, following the submission of a governing body's application for emergency telephone charge increase, the Commission required the applicant in that case to submit: "a description of the process it undertook to obtain quotes from vendors... and... a statement explaining the factors that were considered by the [applicant] in selecting the quotes that it included in its application." However, in that Proceeding, the Applicant submitted *no* supporting documentation with its application. That

²³ See *id.* at 3.

²⁴ *Id.* at 7.

Proceeding is distinguishable from the Proceeding at hand, in that the Application includes ten supporting exhibits that provide sufficient information as to the quotes obtained by Applicant, and is otherwise compliant with Rule 2147(b), 4 CCR 723-2.

37. CCTA also failed to show that Applicant may use ETC funds *only* for the categories of capital expenditures enumerated in § 29-11-104(2)(a)(I), C.R.S.²⁵ Section 29-11-104(2)(a)(II)(B), C.R.S. provides that if money is available after the costs and charges enumerated in § 29-11-104(2)(a)(I) have been fully paid in a given year by a governing body, the governing body may use ETC funds to pay for “[p]ublic safety radio equipment outside the PSAP,” or “[p]ersonnel expenses necessarily incurred for a PSAP or the governing body in the provision of emergency telephone service.” Indeed, in Applicant’s Statement of Position, Applicant indicates that it intends to use ETC funds “to fund personnel costs to the extent money is available after the costs and charges enumerated in subsection C.R.S. § 29-11-104(2)(a)(I) are fully paid in a given year.”²⁶

38. Based on the foregoing, the ALJ finds that the \$3.00 surcharge is just, reasonable, and in the public interest. The funds realized from the increase in the emergency telephone service surcharge will be used to pay for costs, investments, expenses, and services as permitted by § 29-11-104(2), C.R.S. The increase is necessary to fund purchase an emergency medical dispatch card system, purchase a computer-aided dispatch system, and construct four new repeater sites, which are required to allow Applicant to continue to provide adequate and reasonable emergency telephone service. Accordingly, the ALJ will grant the application, as ordered below.

²⁵ See CCTA’s Statement of Position at 6.

²⁶ Applicant’s Statement of Position at 5.

39. Pursuant to § 40-6-109(2), C.R.S., the ALJ transmits the record of this proceeding to the Commission and recommends that the Commission enter the following Order.

II. **ORDER**

A. **It Is Ordered That:**

1. The Application for Emergency Telephone Charge increase pursuant to § 29-11-102(2)(c), C.R.S. (Application), filed by the Gunnison/Hinsdale Combined Emergency Telephone Service Authority (Applicant) on October 31, 2022, is granted.

2. Applicant shall notify each affected service provider of the increase in the emergency telephone surcharge at least 60 days prior to the new rate becoming effective.

3. Proceeding No. 22A-0467T is now 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 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

I. ATTEST: A TRUE COPY

Rebecca E. White,
Director