

Decision No. R24-0110

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24F-0041G

ANN MARIE YACOBUCCI,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
DISMISSING COMPLAINT WITH PREJUDICE,
VACATING HEARING, AND CLOSING PROCEEDING**

Mailed Date: February 22, 2024

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On January 18, 2024, Ann Marie Yacobucci (Complainant) filed a Formal Complaint against Xcel Energy (Respondent). Complainant generally alleges that Respondent replaced a gas meter on her property on May 19, 2004 and changed the gas service billing from a residential to a commercial tariff, thereby charging Complainant a higher rate for gas service over a period of 19 years. Complainant also alleges that Respondent, after being contacted by Complainant on May 5, 2023, conducted an internal investigation that found the property had been incorrectly billed under the commercial tariff since May 19, 2004. Respondent refunded Complainant a total of \$651.21 (\$27.13 per month) for the previous 24-month period. Complainant disagrees with the refund covering only the previous 24 months, and requests further

reimbursement for the remaining 210 months (May 2004 through December 2021) in the amount of \$5,698.08.

2. On January 23, 2024 the Commission issued its Order Setting Hearing and Notice of Hearing (Notice), which set this matter for hearing on March 4, 2024 before an Administrative Law Judge (ALJ).

3. Also on January 23, 2024, the Commission issued its Order to Satisfy or Answer, which ordered Respondent to satisfy the matters in the complaint or to answer the complaint in writing within 20 days from service of the order.

4. On January 24, 2024, the Commission issued its Corrected Notice of Hearing (Corrected Notice), which set this matter for hearing on April 8, 2024 at 9:00 a.m. before an ALJ.

5. On January 31, 2024, the Commission referred this proceeding to an ALJ by minute entry.

6. On February 12, 2024, Complainant Ann Marie Yacobucci's Notice of Withdrawal of Formal Complaint (Notice of Withdrawal) was filed. The Notice of Withdrawal states that Complainant and Respondent have fully and amicably resolved the complaint and Complainant withdraws the Formal Complaint with prejudice. Both Complainant and Respondent signed the Notice of Withdrawal, and the withdrawal is not opposed.

7. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record and exhibits in this proceeding along with a written recommended decision.

II. ORDER**A. The Commission Orders That:**

1. The Formal Complaint filed by Ann Marie Yacobucci against Xcel Energy on January 18, 2024, is dismissed with prejudice.
2. The evidentiary hearing scheduled to commence in this matter on April 8, 2024, is vacated.
3. Proceeding No. 24F-0041G 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 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

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director