

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF PUBLIC SERVICE COMPANY OF)	APPLICATION NO. 37478
COLORADO FOR AN ORDER GRANTING TO)	
IT A CERTIFICATE OF PUBLIC CON-)	INTERIM ORDER OF
VENIENCE AND NECESSITY TO EXERCISE)	EXAMINER KEN F. KIRKPATRICK
FRANCHISE RIGHTS IN THE CITY OF)	
BRIGHTON, ADAMS COUNTY, COLORADO.)	

- - - - -
May 20, 1986
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STATEMENT

This application was filed on January 30, 1986, seeking an order from the Commission granting Public Service Company of Colorado (Public Service) a Certificate of Public Convenience and Necessity to exercise franchise rights in the City of Brighton, Adams County, Colorado. Notice of the application was given by the Commission on February 6, 1986. A protest was filed by Union Rural Electric Association, Inc., on February 6, 1986. By Order and Notice of Hearing dated March 17, 1986, the matter was set for a hearing to be held on April 21, 1986.

Public Service filed a Motion to Dismiss Protest on March 21, 1986. A response to the motion was filed April 8, 1986, which response was timely due to an extension granted in Decision No. C86-392. On April 18, 1986, Public Service and Union filed a Stipulation and Agreement. The Stipulation and Agreement refers to a related proceeding, Application No. 37131, and states as follows:

3. If Union is successful in obtaining the relief it seeks in Application No. 37131, it may wish to pursue the issue of whether it may continue to serve territories certificated to it by the Commission even though the territories are annexed by the City of Brighton which is served by Public Service Company under the franchise pursuant to the certificate issued in the instant Application No. 37478.

4. The Commission, by granting the relief sought in the instant Application No. 37478, is not addressing the issue set forth above in Paragraph No. 3 and the decision in the instant proceeding shall not be a final determination of that issue.

The parties in essence seek to assure that this case does not dispose of the issue in Application No. 37131. The Examiner agrees that this case is not dispositive of that issue, and finds that the Stipulation and Agreement should be accepted and the protest of Union withdrawn.

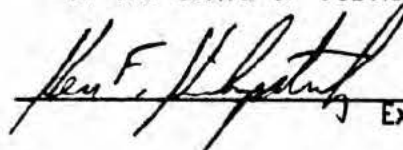
The application is now uncontested, and it should be decided by the Commission pursuant to Rule 17 of the Commission's Rules of Practice and Procedure.

ORDER

THE EXAMINER ORDERS THAT:

1. The Stipulation and Agreement filed by the parties on April 18, 1986, is accepted, and the protest of Union Rural Electric Association, Inc., is withdrawn.
2. The Motion to Dismiss Protest filed by Public Service Company on March 21, 1986, is denied as moot.
3. This application should be transferred to the Commission for decision under Rule 17 of the Commission's Rules of Practice and Procedure.
4. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner