

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

DOCKET NO. 03A-192E

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IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC., P.O. BOX 33695, DENVER, COLORADO FOR A DETERMINATION UNDER 29-20-108(5), C.R.S., THAT THE CONDITIONS IMPOSED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, ON TRI-STATE'S PROPOSED NUCLA-TELLURIDE 115 KV TRANSMISSION LINE PROJECT WILL UNREASONABLY IMPAIR TRI-STATE'S ABILITY TO PROVIDE SAFE, RELIABLE, AND ECONOMICAL SERVICE TO THE PUBLIC.

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**ORDER GRANTING MOTION TO ALLOW INDIVIDUAL  
HOMEOWNERS TO TESTIFY AT PUBLIC HEARING AND  
WAIVING RESPONSE TIME**

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Mailed Date: September 17, 2003  
Adopted Date: September 17, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of the Motion for Clarification of Prior Order to Allow Individual Homeowners to Testify at the Public Hearing and Request for Reduction of Response Time and Expedited Decision by the Coalition of Concerned San Miguel Homeowners (Coalition). The Coalition's motion essentially requests a Commission order that individuals meeting certain conditions (discussion below) be permitted to offer comment at the public hearing in Telluride, Colorado on September 18, 2003. Applicant in this case, Tri-State Generation & Transmission Association, Inc., and the Board of San Miguel County Commissioners submitted responses to the Coalition's motion. Now being duly advised, we grant the motion consistent with the discussion below.

2. The motion notes that the Commission is required to conduct a public hearing on Tri-State's application pursuant to the provisions of § 29-20-108(5)(b), C.R.S. The motion points out that our order scheduling the public hearing appears to state that individual members of the homeowners associations that are parties to this case will not be permitted to submit comment at the public hearing, but should submit testimony at the formal hearings in this matter. The motion, in effect, suggests that individual members of the homeowners association be permitted to submit comment at the public hearing if: (1) they themselves have not intervened in this case; (2) they are not submitting comment on behalf of any entity that has intervened in this case; and (3) they are not providing formal testimony in this matter. The County Commissioners, in their response, make a similar suggestion with respect to individual members of the San Miguel Planning Commission and individual County officials and employees. The Coalition and the County Commissioners argue that clarification of the public comment procedures as suggested is consistent with § 29-20-108(5)(b), C.R.S.

3. We agree with the clarified procedures suggested in the motion and the County Commissioners response. Individual members of the public should be able to comment at the public hearing as persons representing their own interests, not the interests of any entity that is a party to this proceeding. Therefore, we clarify the procedures for the public hearing scheduled for September 18, 2003: interested members of the public will be permitted to submit comment if: (1) they themselves have not intervened in this case; (2) they are not submitting comment on behalf of any entity that has intervened in this case; and (3) they are not providing formal testimony in this matter. Response time to the Coalition's motion will be shortened as requested.

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

1. The Motion for Clarification of Prior Order to Allow Individual Homeowners to Testify at the Public Hearing and Request for Reduction of Response Time and Expedited Decision by the Coalition of Concerned San Miguel Homeowners is granted consistent with the above discussion. The public comment procedures stated above shall also apply to individual members of the San Miguel Planning Commission and individual County officials and employees. Response time to the motion is shortened as requested.

2. This Order is effective immediately upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
SEPTEMBER 17, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners