

Decision No. C25-0651-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0353SG

IN THE MATTER OF THE VERIFIED APPLICATION OF DURANGO MOUNTAIN UTILITIES, LLC, FOR AN ORDER APPROVING TRANSFER OF A CONTROLLING INTEREST IN A PUBLIC UTILITY, TO CREATE LIENS AND REPLACEMENT SECURITIES, MOTION FOR SHORTENED NOTICE PERIOD, MOTION FOR EXPEDITED RULING, AND FOR CERTAIN WAIVERS.

**INTERIM COMMISSION DECISION
AUTHORIZING VARIANCE FROM RULE 4105(E)
NEWSPAPER NOTICE REQUIREMENT**

Issued Date: September 8, 2025

Adopted Date: September 3, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 26, 2025, Durango Mountain Utilities, LLC (“DMU” or “Company”) filed a Verified Application under § 40-1-104(2), C.R.S., which applies to securities issuance. Within the Verified Application, DMU requests a variance from the requirement in Rule 4105(e), 4 *Code of Colorado Regulations* (“CCR”) 723-4, that a utility apply for approval of a proposal to issue or to assume a security publish notice of the filing of the application in a newspaper of general circulation. DMU states that good cause exists to grant this variance and allow direct mail and e-mail notice in lieu of the prescribed newspaper notice because the majority of DMU’s customers

do not live at their Colorado properties full time and are more efficiently notified through these alternative forms of notice.¹

2. Pursuant to Rule 1003(a) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, the Commission may, for good cause shown, grant waivers or variances from Commission rules. In making its determination the Commission may take into account, but is not limited to, considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. The Commission may subject any waiver or variance granted to such terms and conditions as it may deem appropriate.

3. We will waive response time to DMU's motion for variance of Rule 4105(e). We find good cause exists to permit DMU to provide notice to its customers through direct mail and email notice in the form provided as Hearing Exhibit 2 along with the Verified Application. DMU explains that the majority of its customers do not live at their Colorado properties full time and are therefore more efficiently notified through direct mail and email instead of the newspaper notice prescribed in Rule 4105(e). We agree that, in this circumstance, the direct mail and email forms of notice will adequately inform DMU's customers of the filing.

4. We expect that DMU has already effected this notice to its customers; if not, it should promptly do so in order to provide timely notice. DMU shall file with the Commission an affidavit attesting to provision of this notice as soon as possible after the filing of the application, consistent with the notice provisions of Rule 4105(f), 4 CCR 723-1.

¹ DMU also cites § 40-3-104, C.R.S., which pertains to noticing a change in rates. Rather than a motion for alternative form of notice under that framework for rate changes, we construe the request as seeking a variance from the requirement in Rule 4105(e), 4 CCR 723-4, which prescribes newspaper notice for these types of applications.

II. ORDER

A. It Is Ordered That:

1. The Motion for Variance filed by Durango Mountain Utilities, LLC (“DMU”) for a waiver of the newspaper notice prescribed in Rule 4105(e) of the Commission’s Rules Regulating Gas Utilities, 4 *Code of Colorado Regulations* 723-4, is granted.

2. Response time to the motion is waived.

3. Notice to DMU’s customers shall be as set forth in the motion for variance.

4. DMU shall file with the Commission an affidavit attesting to provision of this notice as soon as possible after the filing of the application.

5. This Decision is effective on its Issued Date.

B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING

September 3, 2025.



(S E A L)

ATTEST: A TRUE COPY

Rebecca E. White

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

Commissioners

COMMISSIONER TOM PLANT, ABSENT

