

Decision No. C25-0774

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25F-0335EG

NEVILLE RUSTOMJEE,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**COMMISSION DECISION GRANTING EXCEPTIONS, IN
PART, REOPENING PROCEEDING, AND REMANDING
TO ADMINISTRATIVE LAW JUDGE**

Issued Date: October 27, 2025

Adopted Date: October 22, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 11, 2025, Neville Rustomjee (“Complainant”) filed a Complaint against Public Service Company of Colorado (“Public Service” or the “Company”), initiating this Proceeding. The Complaint alleged, among other things, that Public Service sent a Notice of Disconnection despite all payments being up to date, and requested an order from the Commission prohibiting the disconnection of services to his home until resolution of the matter. Additionally, the Complaint included various questions addressed to both the Commission and the president of Public Service, with a request that they be answered prior to any hearing.

2. On August 13, 2025, Staff of the Public Utilities Commission served a copy of the Complaint to Public Service, alongside an order requiring the Company to satisfy or answer the Complaint within 20 days, in accordance with § 40-6-108, C.R.S. An evidentiary hearing was scheduled for October 27, 2025.

3. On August 27, 2025, the matter was referred by minute entry to an Administrative Law Judge (“ALJ”).

4. On August 27, 2025, Public Service filed its Motion to Dismiss Formal Complaint with Prejudice (“Motion to Dismiss”). Public Service argued the Complaint must be dismissed because it does not contain sufficient factual allegations (accepted as true) to support any plausible claim for relief and that the Complaint does not allege any act or omission on Public Service’s part that would violate any provision of law or any order or rule of the Commission.

5. The Motion to Dismiss contained a Certificate of Service indicating that the document was served upon the Complainant via U.S. Mail.

6. The assigned ALJ issued Recommended Decision No. R25-0702EG (“Recommended Decision”) on September 30, 2025, granting Public Service’s Motion to Dismiss. The ALJ stated the Complainant had failed to file a response and not requested additional time to file a response to Public Service’s Motion to Dismiss and therefore dismissed the Complaint with prejudice.

7. On October 10, 2025, the Complainant filed exceptions to the Recommended Decision, asserting that Public Service’s Motion to Dismiss was not served via U.S. Mail and that no copy of the filing was received. The Complainant therefore requested the Recommended Decision be set aside and requested an opportunity to respond to the Motion to Dismiss.

8. Public Service responded to the Complainant's exceptions on October 14, 2025, explaining that, in investigating the Complainant's exceptions, the mail department inadvertently did not send the Motion to Dismiss as indicated in the Certificate of Service. Public Service states this was unintentional and an administrative oversight, and that upon discovery it has taken action to ensure proper service to the Complainant. Given this, Public Service requests the Commission reopen the Proceeding to ensure the Complainant has sufficient opportunity to respond to the Company's Motion to Dismiss.

9. Under Rule 1504(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, the Commission can reopen a proceeding for good cause.

10. Given that the Company's Motion to Dismiss was never served upon the Complainant, we grant the exceptions, in part, for the purpose of providing the Complainant an opportunity to respond to the Company's filing. We therefore find good cause to reopen this Proceeding and remand the matter to the assigned ALJ to allow the Complainant to respond to the Motion to Dismiss and for further proceedings as necessary.

II. ORDER

A. The Commission Orders That:

1. The exceptions filed by Neville Rustomjee on October 10, 2025, are granted, in part, consistent with the discussion above.

2. Proceeding No. 25F-0335EG is reopened and remanded to the assigned Administrative Law Judge for disposition, consistent with the discussion above.

3. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 22, 2025.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners

Rebecca E. White,
Director

COMMISSIONER MEGAN M. GILMAN
ABSENT