

Decision No. C23-0861-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23D-0591E

IN THE MATTER OF THE COLORADO COMMUNICATION AND UTILITIES ALLIANCE, THE TOWN OF MORRISON, AND THE CITIES OF ARVADA, AURORA, CENTENNIAL, NORTHGLENN, AND WHEAT RIDGE'S PETITION FOR A DECLARATORY ORDER REGARDING PUBLIC SERVICE COMPANY OF COLORADO'S CUSTOMER OWNED LIGHTING TARIFF AND PAYMENT RESPONSIBILITY FOR STATE AND INTERSTATE HIGHWAY STREETLIGHTING.

**INTERIM COMMISSION DECISION ESTABLISHING
FILING DEADLINES FOR RESPONSES AND REPLIES**

Mailed Date: December 22, 2023

Adopted Date: December 20, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On December 4, 2023, the Colorado Communication and Utilities Alliance, the Town of Morrison, and the Cities of Arvada, Aurora, Centennial, Northglenn, and Wheat Ridge (collectively the Local Governments) filed a Petition for Declaratory Order. In the Petition, Local Governments request that the Commission resolve uncertainty regarding the responsibility of maintenance and illumination of streetlights within their municipal boundaries. The Local Governments argue that the State Highway Act and the terms of Public Service Company of Colorado's (Public Service) Customer Owned Lighting Tariff (COL Tariff) require that payment responsibility for streetlights on state and interstate highways remain with the Colorado Department of Transportation (CDOT) unless certain conditions of transfer under the Public Service COL Tariff are met.

2. On December 19, 2023, Public Service and CDOT filed a Joint Motion to Stay the Commission's Determination of Whether to Accept or Deny the Petition. Public Service and CDOT allege factual inaccuracies in the Local Governments' Petition and claim that the controversy presented would involve statutory interpretation applicable to many Colorado electric utilities, as well as analysis of franchise agreements and other rate schedules or tariffs in addition to the COL Tariff. Public Service and CDOT request that they be allowed until January 24, 2024, to prepare their response on the threshold issue of acceptance or rejection of the Local Governments' Petition. Public Service and CDOT also indicate that it would be appropriate to allow the Local Governments to submit reply briefing.

3. Because Public Service and CDOT are not parties to this proceeding, the Commission construes their December 19, 2023 filing as a public comment.

4. In this limited circumstance, given the arguments raised in the Petition and in the comment submitted by Public Service and CDOT, we find that additional information focused on the threshold issue of whether there is a controversy or uncertainty appropriate for the Commission to resolve under Rule 1304(f), 4 *Colorado Code of Regulations*, 723-1, may be helpful. However, because additional information should be narrowly focused to aid in our decision of whether to accept or reject the Petition, we find it unnecessary to delay our decision until after January 24, 2024, as Public Service and CDOT request.

5. We set the following deadlines for responses and replies. Any responses to the Petition addressing whether the Commission should accept or reject the Petition, including from Public Service and CDOT, must be filed no later than January 3, 2024. Any replies must be filed not later than January 10, 2024.

II. ORDER**A. It Is Ordered That:**

1. The Joint Motion to Stay the Commission's Determination of Whether to Accept or Deny the Petition, filed by Public Service Company of Colorado (Public Service) and the Colorado Department of Transportation (CDOT) on December 19, 2023, is construed as a public comment.

2. Any responses to the Petition for Declaratory Order filed by the Colorado Communication and Utilities Alliance, the Town of Morrison, and the Cities of Arvada, Aurora, Centennial, Northglenn, and Wheat Ridge on December 4, 2023, must be filed no later than January 3, 2024.

3. Any replies to responses must be filed no later than January 10, 2024.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 20, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners