

Decision No. C03-0023

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

DOCKET NO. 00D-261G

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RE: IN THE MATTER OF THE PETITION OF K N WATTENBERG TRANSMISSION LIMITED LIABILITY COMPANY FOR A DECLARATORY ORDER THAT THE PUBLIC UTILITIES COMMISSION HAS NO JURISDICTION OVER ITS DELIVERY LATERAL WHICH INTERCONNECTS WITH THE TRANSMISSION LINE OF COLORADO INTERSTATE GAS COMPANY AND IS USED ONLY TO DELIVER GAS TO TWO INDUSTRIAL USERS FOR WHOM THE LATERAL WAS BUILT.

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DOCKET NO. 00A-635G

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IN THE MATTER OF THE APPLICATION OF K N WATTENBERG TRANSMISSION LIMITED LIABILITY COMPANY FOR SUCH AUTHORITY AS MAY BE NECESSARY FOR THE COMMISSION TO ASSUME THE EXERCISE OF REGULATORY SUPERVISION OVER THE TRANSPORTATION OF INTERSTATE GAS THROUGH A FIVE-MILE LATERAL FROM AN INTERCONNECTION WITH THE TRANSMISSION PIPELINE OF COLORADO INTERSTATE GAS COMPANY TO TWO INDUSTRIAL CUSTOMERS LOCATED IN THE CITY OF FT. MORGAN, COLORADO.

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**ORDER DENYING MOTION TO MODIFY  
DECISION NO. C02-1224 AND MOTION TO STRIKE**

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Mailed Date: January 10, 2003  
Adopted Date: December 18, 2002

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of the Motion to Modify Decision No. C02-1224 by K N Wattenberg Transmission Limited Liability Company (KNW), and the Motion to Strike by the City of Fort Morgan. KNW's motion essentially requests reconsideration of Decision No. C02-1224; Fort Morgan's motion requests that we strike KNW's Motion to Modify on the grounds that the motion is premature. Now being duly advised in the premises, we deny the motions.

2. In Decision No. C02-1224 we ruled on Exceptions to the Administrative Law Judge's (ALJ) decision in this matter, and remanded this case to a Commission ALJ for further proceedings. Decision No. C02-1224 specifically stated that applications for rehearing, reargument, or reconsideration (RRR) "shall be due after the Commission's order on remand." Therefore, KNW's Motion to Modify--the motion is essentially an application for RRR--is premature. As such, the motion is denied as premature. Fort Morgan's Motion to Strike is denied as unnecessary.

**II. ORDER**

**A. The Commission Orders That:**

1. The Motion to Modify Decision No. C02-1224 by K N Wattenberg Transmission Limited Liability Company is denied.

2. The Motion to Strike by the City of Fort Morgan is denied.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 18, 2002.**

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

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JIM DYER

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Commissioners

ATTEST: A TRUE COPY

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**Bruce N. Smith**  
Director

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