

Decision No. R25-0506

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25F-0175EG

ANN TONEY,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**RECOMMENDED DECISION DISMISSING COMPLAINT
WITH PREJUDICE, VACATING HEARING, AND
CLOSING PROCEEDING**

Issued Date: July 7, 2025

I. STATEMENT

1. On April 25, 2025, Ann Toney (“Complainant” or “Ms. Toney”) filed a Formal Complaint (“Complaint”) against Public Service Company of Colorado (“Public Service,” “Respondent,” or the “Company”).¹

2. On April 28, 2025, the Director of the Colorado Public Utilities Commission (“Director”) issued an Order to Satisfy or Answer, directing Respondent to either satisfy the matters raised in the Complaint or file a written answer within 20 days of service of the Order.

¹ The Complaint identified “Xcel Energy” as the Respondent in the Complaint. However, Public Service Company of Colorado conducts utility operations in Colorado as a wholly owned subsidiary of Xcel Energy Inc., a public utility holding company. Accordingly, Public Service is the proper designation for the Respondent in this matter.

The Director also issued an Order Setting Hearing and Notice of Hearing, scheduling a hearing in this matter before an Administrative Law Judge (“ALJ”) on July 10, 2025.

3. By Decision No. R25-0442-I, issued June 6, 2025, the undersigned ALJ granted Public Service Company of Colorado’s Unopposed Motion for Extension of Answer Deadline and Waiver of Response Time filed on May 16, 2025.

4. On June 20, 2025, Public Service filed its Notice of Satisfaction of Formal Complaint (“Notice”). In the Notice, Public Service stated that “the Company has fully and amicably resolved the above-captioned formal complaint with, [Complainant]” and that “Complainant informed the Company’s... counsel that she has mailed a Notice of Withdrawal of the [Complaint] to the Company, which Public Service will file into this proceeding once it is received.”²

5. On July 2, 2025, Complainant Ann Toney’s Notice of Withdrawal of Formal Complaint (“Withdrawal”) was filed by Public Service. The Withdrawal is signed by Complainant and states that the parties to this Proceeding “have fully and amicably resolved the [Complaint] and... the Complainant is therefore withdrawing the [Complaint] with prejudice.”³ The Withdrawal further states that “Complainant has authorized Public Service to file [the Withdrawal] jointly on behalf of both parties.”⁴

6. On July 7, 2025, Public Service Company of Colorado’s Unopposed Motion to Vacate the Evidentiary Hearing and Waiver of Response Time (“Motion”) was filed by Respondent. The Motion states that it is being submitted “on the grounds that the parties have fully resolved the above-captioned proceeding through entering into a Confidential Settlement

² Notice at p. 1.

³ Withdrawal at p. 1.

⁴ *Id.*

Agreement, provided as Confidential Attachment A to [the] Motion...”⁵ The Motion further states that since the “Motion is unopposed and time is of the essence considering the impending evidentiary hearing scheduled for July 10, 2025, Public Service requests a waiver of response time pursuant to Commission Rule 1308(c).”⁶

7. Based on the record, the ALJ finds and concludes that good cause exists to dismiss the Complaint with prejudice. Because the Complaint will be dismissed with prejudice, there is no need for a hearing. Accordingly, the Complaint will be dismissed with prejudice, the hearing will be vacated, and this Proceeding will be closed, as ordered below.

8. Given the findings and conclusions above, the Motion will be denied as moot, as ordered below.

9. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record and exhibits in this proceeding along with a written recommended decision.

II. ORDER

The Commission Orders That:

1. The Formal Complaint filed by Ann Toney against Public Service Company of Colorado⁷ on April 25, 2025, is dismissed with prejudice.

2. The hearing scheduled for July 10, 2025, is vacated.

3. Public Service Company of Colorado’s Unopposed Motion to Vacate the Evidentiary Hearing and Waiver of Response Time, filed July 7, 2025, is denied as moot.

4. Proceeding No. 25F-0175EG is closed.

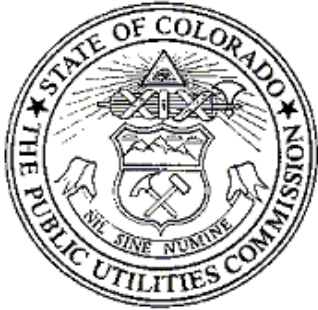
⁵ Motion at 1.

⁶ *Id.*

⁷ *See supra*, footnote 1.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Rebecca E. White'.

Rebecca E. White,
Director