

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 - 15TH STREET, DENVER, COLORADO)
FOR AN ORDER GRANTING TO IT A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO EXERCISE FRANCHISE RIGHTS)
FOR THE PURPOSE OF FURNISHING ELECTRICAL)
ENERGY AND SERVICE, GASEOUS FUELS AND)
GAS SERVICE, AND TRANSPORTATION AND)
TRANSPORTATION SERVICE TO THE CITY OF)
BOULDER, BOULDER COUNTY, COLORADO AND)
ITS INHABITANTS AND TO DISTRIBUTE AND)
SELL GAS IN THE AREA CONTIGUOUS TO THE)
CITY.)

APPLICATION NO. 24566

December 2, 1970

Appearances: Lee, Bryans, Kelly & Stansfield
By Donald D. Cawelti, Esq.,
Denver, Colorado, for Applicant;
J. H. Ranniger, Denver, Colorado,
for Applicant;
C. J. Miller, Denver, Colorado, of
the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application of the Public Service Company of Colorado, hereinafter designated Applicant, was filed on September 11, 1970. By this application Applicant seeks an order from the Commission for a certificate of public convenience and necessity to exercise franchise rights in the City of Boulder, County of Boulder, State of Colorado, for the distribution and sale of electric power and energy, the distribution and sale of gas fuels or gaseous mixtures thereof and the furnishing of transportation and transportation service in said city, and to distribute and sell gas fuels or gaseous mixtures thereof in the area contiguous to the city

After due and proper notice to all interested parties, the

aforesaid application was set for hearing on November 17, 1970, at 10 A.M. in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the application was heard by Commissioner Henry E. Zarlengo, to whom the matter was duly assigned pursuant to law.

No protests or petitions to intervene in the application had been filed, nor did anyone appear at the hearing in opposition to said application.

The following exhibits were offered and admitted into evidence:

Application No. 24566 Exhibits A and B.

FINDINGS OF FACT

From the record herein, the Commission finds as fact that:

1. Public Service Company of Colorado, the Applicant herein, is a Colorado corporation, organized and existing under and by virtue of the laws of the State of Colorado.

2. The public utility operations of the Applicant, consisting primarily of the generation, purchase, transmission, distribution, and sale of electric power and energy, and the purchase, distribution and sale of gas at various points within the State of Colorado, and the furnishing of transportation service in the City of Boulder, and the subject matter of these proceedings are within the jurisdiction of this Commission.

3. A certified copy of Applicant's Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

4. On August 4, 1970, the voters of the City of Boulder, by a vote of 8,452 to 1,149, approved the grant of a gas and electric and transportation franchise to Applicant as set forth in Ordinance No. 3595. A copy of said franchise, together with copies of supporting documents

was attached to the application as Exhibit A.

5. The said franchise is for a term of 20 years and provides for a franchise consideration to be paid to the city in the amount of three percent (3%) of the first \$10,000 each of gas and electric revenue from each customer at any one location annually, excepting street lighting revenue, and two percent (2%) of amounts over \$10,000 annually.

6. Applicant now distributes electric power and energy in the city which it secures from its interconnected generating and transmission system; Applicant distributes gas in the city which it purchases under long-term contract from the Western Slope Gas Company, a wholly-owned subsidiary; and Applicant furnishes transportation service in the city by means of its owned and operated bus system. Applicant will continue to utilize its existing electric, gas and transportation facilities and any additions thereto in furnishing such services to the City of Boulder, State of Colorado, in accordance with the terms of the franchise ordinance described hereinabove, which franchise ordinance is incorporated herein by reference.

7. No other public utility is in the business of distributing electric power and energy and gas or furnishing transportation service in the City of Boulder. Applicant serves 21,438 electric customers and 17,371 gas customers and transported 391,814 fares in 1969 in the city which has a population of 65,977 according to the preliminary 1970 census.

8. Applicant is financially, physically and otherwise capable and qualified to provide electric, gas, and transportation service to the inhabitants of the City of Boulder, and to supply gas service in the area contiguous to the city, and public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado of the franchise rights granted to it as set forth in said Ordinance No. 3595, of the City of Boulder and to distribute and sell gas in the area contiguous to the city.

CONCLUSION

The Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Commissioner be omitted and the initial decision be made by the Commission as provided by CRS 1963, 115-6-9 (6), as amended.

O R D E R

THE COMMISSION ORDERS THAT:

1. A certificate of public convenience and necessity be, and hereby is, granted to Public Service Company of Colorado to exercise franchise rights granted to Applicant by Franchise Ordinance No. 3595 of the City of Boulder in accordance with the terms of said franchise ordinance, to distribute and sell gas in the area contiguous to the city in accordance with its schedules of rates, classifications, rules and regulations now on file with this Commission, or as the same may be changed according to law and the rules and regulations of this Commission, and this Order shall constitute the CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. Applicant shall continue its public utility operations in accordance with all rules, regulations and requirements of the Commission with respect to all electric, gas, and transportation utilities as now exist or as the same may hereafter be amended or changed pursuant to law.

3. The recommended decision of the Hearing Commissioner

be, and hereby is, omitted, and this Decision shall be the initial
decision of the Commission as provided by CRS 363, 115-6-9 (6)

This Order shall be effective forthwith

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Donald Fairbank
Donald Brill
John R. Lubling
Commissioner

Dated at Denver, Colorado, this
2nd day of December, 1970. JK