

(Decision No. 80588)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
550 - 15TH STREET, DENVER, COLORADO, )  
FOR AN ORDER GRANTING TO IT A CERTIF- )  
ICATE OF PUBLIC CONVENIENCE AND NECES- )  
SITY TO EXERCISE FRANCHISE RIGHTS IN )  
THE TOWN OF WINDSOR, WELD COUNTY, )  
COLORADO FOR THE GENERATION, PRO- )  
DUCTION, MANUFACTURE, PURCHASE, )  
STORAGE, EXCHANGE, TRANSMISSION AND )  
DISTRIBUTION OF ELECTRICAL ENERGY, )  
GASEOUS FUELS OR MIXTURES THEREOF, )  
IN SAID TOWN, AND TO DISTRIBUTE AND )  
SELL NATURAL GAS IN THE AREA CONTIG- )  
UOUS TO SAID TOWN AND ALONG THE GAS )  
TRANSMISSION PIPELINE TO THE TOWN. )

APPLICATION NO. 25671

RECOMMENDED DECISION OF  
ROBERT L. PYLE, EXAMINER

GRANTING APPLICATION

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June 16, 1972  
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Appearances: Lee, Bryans, Kelly and Stansfield,  
Esqs., Denver, Colorado by  
Robert S. Gast, Jr., Esq., for  
Applicant.  
C. J. Miller, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed by Public Service Company of Colorado (Applicant) on April 7, 1972. By this application, Applicant seeks an order of the Commission for a certificate of public convenience and necessity to exercise franchise rights in the Town of Windsor, County of Weld, State of Colorado, for the generation, production, manufacture, purchase, storage, exchange, transmission, and distribution of electrical energy and gaseous fuels, and for the distribution and sale of natural gas in the area contiguous thereto.

Upon due and proper notice to all interested parties, the matter was set for hearing on June 13, 1972, at 10 a.m. in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Hearing Examiner Robert L. Pyle, to whom the matter was duly assigned. No one appeared at the hearing in opposition to the granting of the application.

Exhibit 1 was tendered and admitted into evidence.

Official notice was taken of the 1971 annual report of Applicant on file with the Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibit of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the generation, purchase, transmission, distribution and sale of electric energy and the purchase, distribution, and sale of natural gas at various points within the State of Colorado.

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

3. On November 8, 1971, the Board of Trustees of the Town of Windsor passed Ordinance No. 444NS, granting a gas and electric franchise to Applicant, which ordinance was entitled:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF WINDSOR, WELD COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, PURCHASE, ACQUIRE, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID TOWN, PLANTS, WORKS, SYSTEMS AND FACILITIES FOR THE GENERATION, PRODUCTION, MANUFACTURE, PURCHASE, STORAGE, EXCHANGE, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, GASEOUS FUELS OR MIXTURES THEREOF, BY MEANS OF PIPES, MAINS, CONDUITS, WIRES, CABLES, POLES AND STRUCTURES, OR OTHERWISE, ON, OVER, UNDER, ALONG AND ACROSS ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, PUBLIC WAYS AND OTHER PUBLIC PLACES IN SAID TOWN OF WINDSOR TO SELL, FURNISH AND DISTRIBUTE SAID PRODUCTS TO THE TOWN AND THE INHABITANTS THEREOF: AND FIXING THE TERMS AND CONDITIONS THEREOF.

A copy of said franchise was offered and accepted into evidence as Exhibit 1. The said franchise is for a term of 25 years and provides for a franchise consideration to be paid to the Town in the amount of 2% of gross gas revenue and 3% of gross electric revenue, with certain exclusions.

4. Under franchise granted by Ordinance No. NS-247 dated September 8, 1947, and under authority of a Certificate of Public Convenience and Necessity of this Commission granted in Decision No. 29800 of January 22, 1948 as amended by Decision No. 30099 of March 6, 1948, Applicant has previously been providing natural gas and electric service to the people of Windsor.

5. Applicant has also been providing gas and electric service in the area adjacent to said Town under the authority of an amendment to said Certificate in Decision No. 30099 of March 6, 1948.

6. Applicant obtains its natural gas for distribution and sale in Windsor from Western Slope Gas Company, a wholly owned subsidiary of Applicant, and supplies electric energy from its interconnected generating and transmission system.

7. There is no other public utility in the business of distributing electricity or gas in said Town of Windsor. The population of the Town in 1970 was 1,564. As of May 1972, Applicant served 761 residential electric customers and 642 residential gas customers in the Town. Existing facilities of the Applicant, which the Commission finds to be adequate, will be utilized in continuing service. Applicant's 1971 annual report demonstrates Applicant's financial ability to perform its franchise obligations.

8. Public convenience and necessity requires, and will require, the exercise by Applicant of the franchise rights granted in and by said Ordinance No. 444NS of the Town of Windsor for the generation, production, manufacture, purchase, storage, exchange, transmission, and distribution of electrical energy and gaseous fuels in the Town, and the distribution and sale of natural gas in the area contiguous to the Town, and along the gas transmission line thereto.

#### CONCLUSION

Based on the aforesaid findings of fact, it is concluded that:

1. The authorization sought in the application should be granted and that the following order should be entered.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following order.

#### ORDER

##### THE COMMISSION ORDERS THAT:

1. Public convenience and necessity requires, and will require, the exercise by Applicant of the franchise rights granted in and by Ordinance No. 444NS of the Town of Windsor marked Exhibit 1 herein, which by reference is made a part hereof, for the generation, production, manufacture, purchase, storage, exchange, transmission, and distribution of electrical energy and gaseous fuels or mixtures thereof by Applicant in said Town, and for the distribution and sale of natural gas in the contiguous area and along the gas transmission line thereto, and this Order shall be deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

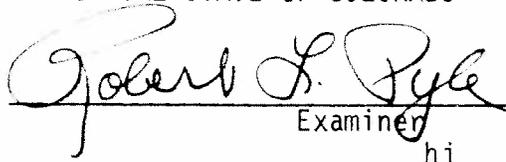
2. Applicant shall install, operate, and maintain its electric and gas systems and supply service in the Town of Windsor in accordance with its schedules of rates, classifications, rules, and regulations now on file with this Commission, or as the same may be changed according to law and the rules and regulations of this Commission.

3. Applicant shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices in accordance with the rules regulating the service of electric and gas utilities in accordance with the Commission's requirements.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties who may file **exceptions** thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner  
hj