

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE REMAND OF)
HOME BUILDERS ASSOCIATION OF)
METROPOLITAN DENVER v. PUBLIC)
UTILITIES COMMISSION OF THE STATE)
OF COLORADO AND PUBLIC SERVICE)
COMPANY OF COLORADO: CIVIL ACTION)
NO. 82 CV 1747, DIVISION 9, DENVER)
DISTRICT COURT, CITY AND COUNTY)
OF DENVER, DENVER, COLORADO.)

APPLICATION NO. 32602-
Reopened

February 20, 1987

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 10, 1986, Public Service Company of Colorado (Public Service) filed a proposed refund plan in this reopened application. Subsequently, comments on the proposed refund plan were submitted by the Cities of Lakewood, Arvada, and Aurora. By Decision No. C87-166, issued February 3, 1987, this Commission ordered that a prehearing conference on this application be set on February 9, 1987, at 9 a.m., in the Commission Hearing Room, Office Level 2 (OL-2), Logan Tower, 1580 Logan Street, Denver, Colorado 80203. The Commission stated that the parties should specifically address the following issues:

- (1) Should interest be awarded upon the refunds;
- (2) Should the interest issue be segregated from the remainder of the refund plan, and should interest, if eventually awarded, be tolled for the period of delay between February 1, 1987, and the conclusion of the matter;
- (3) Should Public Service be required to give more detailed information to the City of Aurora prior to the implementation of the refund plan.

Decision No. C87-166 stated further that the issue of which escheat statute, namely § 40-6-116(5) or § 40-8-101, C.R.S., has been determined by Judge Martin in his remand order. Any change in that order must be sought from the Denver District Court. Prehearing conference in this matter was called as scheduled and was continued pending available dates to all parties in this proceeding.

On February 17, 1987, a written Stipulation, embodying a method of refund proposed and not objected to by the parties at the prehearing conference was filed by Public Service stating that Public Service Company of Colorado, the Home Builders Association of Metropolitan Denver, the Cities of Lakewood and Arvada, and the City of Aurora request the Commission enter an order approving the proposed refund plan initially submitted on December 10, 1986, except as it would pertain to the City of Aurora, and as further clarified and modified by the statements in the stipulation.

The proposed refund plan submitted December 10, 1986, should be approved by the Commission and implemented under to the terms and conditions of the Stipulation filed February 17, 1987.

THEREFORE THE COMMISSION ORDERS THAT:

1. The proposed refund plan submitted by Public Service Company of Colorado on December 10, 1986, is accepted by the Commission, subject to the conditions set forth in the Stipulation filed with the Commission on February 17, 1987. This plan shall be implemented immediately under all terms and conditions of that Stipulation filed with the Commission February 17, 1987.

2. This Order shall be effective forthwith.

DONE IN OPEN MEETING THE 20th day of February, 1987.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ronald L. Lehr

Edythe S. Miller

Arvid Schmitt

Commissioners