

RECEIVED

APR 29 1992 8:30

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ELECTIONS/LICENSING
SECRETARY OF STATE

02599

* * *

REGARDING PROPOSED CHANGES TO)	DOCKET NO. 92R-251
THE COMMISSION'S RULES OF)	
PRACTICE AND PROCEDURE,)	NOTICE OF
4 CCR 723-1.)	PROPOSED RULEMAKING
)	HEARINGS SET FOR

CHANGES TO COLORADO PUBLIC UTILITIES COMMISSION
RULES OF PRACTICE AND PROCEDURE, 4 CCR 723-1

The Colorado Public Utilities Commission hereby gives notice of proposed rulemaking regarding its Rules of Practice and Procedure. Specifically, the Commission is considering changes to the following rules:

1. An Addition to Rule 7 to require service of copies of filed documents upon participating Staff members, and a reduction of the number of copies filed pursuant to Rule 22(f) (4).
2. New Rule 22(h) specifying requirements for withdrawal of applications, advice letters, or tariff filings.
3. Modifications to Rule 25 to change filing requirements for annual reports (for transportation and fixed utilities).
4. New Rule 26 requiring fixed utilities also subject to federal jurisdiction to file with the Chief of Fixed Utilities any filing made with any federal utility regulatory agency (i.e. the Federal Communications Commission and the Federal Energy Regulatory Commission).
5. Modification to Rule 31(j) notice to public of common carrier filings specifying new Forms N, P, and Q.
6. New Rules 34 and 43 specifying circumstances under which the Commission will summarily reject tariff filings for failure to meet filing requirements.
7. New Rule 35 to specify overcharge and reparations procedures for transportation services.
8. Modification to Rule 40 concerning information which must be supplied to the Commission in support of any tariff filings.
9. Modification to Rule 41 concerning the required notice for changes to the tariff of a fixed utility, including changes relating to the provision of new services.

10. New Rule 52 regarding names and addresses of transportation utilities to be filed with the Commission.
11. Modification to Rule 64 specifying that holders of temporary authorities may not intervene as a matter of right in transportation applications seeking either common or contract carrier rights.
12. "Housekeeping" changes to Rules 30, 32, 33, 50, and 78 concerning concurrences of transportation utilities, adoption notice when name or control of a transportation utility changes, filing requirements for certain fixed utility proceedings, etc.

Copies of the proposed rules are attached to this order.

The Commission will conduct a hearing on the proposed rules on June 30, 1992, at 9:00 a.m. in Hearing Room A, Office Level 2 (OL2), Logan Tower, 1580 Logan Street, Denver, Colorado. Interested parties should file entries of appearance and comments on the proposed rules by June 20, 1992.

The basis and purpose of the rules is to advise the public, entities regulated by the Commission, attorneys who practice before the Commission, and any other persons of the Rules of Practice and Procedure which the Commission has established in order to regulate public utilities and other entities over which the Commission has jurisdiction. The statutory authority for these rules is §§ 40-2-108, C.R.S. (1991 Cum. Supp.).

THEREFORE THE COMMISSION ORDERS THAT:

1. This notice of proposed rulemaking and the attached proposed rules shall be filed with the Colorado Secretary of State for publication in The Colorado Register on or before May 10, 1992.
2. The Commission will conduct hearings on the proposed rules on June 30, 1992, at 9:00 a.m.

ADOPTED IN OPEN MEETING April 22, 1992.



ATTEST: A TRUE COPY

Bruce N. Smith
 Bruce N. Smith
 Executive Secretary

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

ARNOLD H. COOK

GARY L. NAKARADO

CHRISTINE E. M. ALVAREZ

Commissioners

NEW

RULE 7

AGENDA

(b) Service

- (5) ANY PLEADING, OR OTHER DOCUMENT FILED BY ANY PARTY IN A DOCKET SHALL BE SERVED ON OR MAILED TO EACH MEMBER OF STAFF ACTING AS TESTIMONIAL OR ADVISORY STAFF WHO HAS BEEN SO DESIGNATED IN WRITING FOR THE RECORD PURSUANT TO RULE 9. UPON THIS OCCURRENCE, THE NUMBER OF COPIES OF PLEADINGS TO BE FILED UNDER RULE 22(f)(4)(a) SHALL BE REDUCED TO AN ORIGINAL AND FIVE COPIES, OR TO AN ORIGINAL AND THREE COPIES IF THE MATTER IS ASSIGNED TO AN ADMINISTRATIVE LAW JUDGE.

PROPOSED NEW RULE 22(h) (regarding withdrawal of certain pleadings):

(1) Voluntary Dismissal of Applications--By Applicant. An applicant may withdraw or dismiss an application upon notification to the Commission up until the time set for the filing of the certifications required by Rule 71(b)(4). A withdrawal or dismissal within this period of time shall be without prejudice. After the time set for the filing of the certifications required by Rule 71(b)(4) , an application may be withdrawn or dismissed only upon motion and approval by the Commission. In ruling upon a motion for dismissal or withdrawal, the Commission shall consider whether good cause for dismissal or withdrawal is stated, and whether other parties would be prejudiced. ,

(2) Voluntary Dismissal of Applications Upon Less Than 30-days Notice--An application for approval of changes to the tariff of any public utility, including changes to rates, fares, tolls, rentals, charges or classification, pursuant to section 40-3-104, C.R.S. (upon less than 30-days notice) may be voluntarily withdrawn or dismissed by the applicant at any time before approval of such application by the Commission.

(3) Dismissal or Withdrawal of Tariffs and Advice Letters--Any advice letter or other filing stating a change, including additions to, the tariff of any public utility may be voluntarily withdrawn upon notification to the Commission, if such advice letter or other filing has not yet been suspended by the Commission. After suspension, a filing stating any change to a tariff may be dismissed or withdrawn by the filing utility only upon motion and approval by the Commission. In ruling upon a motion for dismissal or withdrawal, the Commission shall consider whether good cause is stated, and whether other parties would be prejudiced by such dismissal or withdrawal.

(The statutory authority for this rule is sections 40-2-108 and 40-6-111, C.R.S. (1984).

AG File No. E9208389.43

CR15-826

RULE 25

Annual Reports - Uniform Systems of Accounts -

Preservation of Records

(a) Fixed Utilities - General Rules

(1) Each fixed utility operating in Colorado shall file with the Commission, on or before ~~March 31~~ April 30 of each year, an annual report that includes specific total company and total Colorado specific financial information on a form supplied or required by the Commission, properly filled out for the preceding calendar year, verified by a proprietor, officer, partner or other legally authorized person. The utility also shall file additional reports as required by the Commission. If the utility publishes an annual report or an annual statistical report to stockholders, other security holders or members, or receives an annual certified public accountant's report of its business, it shall also file three copies of these reports with the Commission within 30 days after publication or receipt.

Rule 25(c)(1) - (2)

(c) Fixed Utilities - Telephone and Telegraph Companies - System of Accounts - Preservation of Records.

(1) Each telephone and telegraph company, ~~or combination telephone and radio common carrier company where 10 percent or less of its gross revenues are derived from radio common carrier operations~~ in Colorado, shall maintain its books of accounts prescribed for Public Utilities and Licensees, Class A and B, and Class C, by the Federal Energy Regulatory Commission (FERC) or its successor regulatory agency. A rural electric cooperative may not use the FERC Uniform System of Accounts where this system does not apply for the recording of certain financial and operating transactions of the cooperative and where accounts are not provided in the FERC System of Accounts. A rural electric cooperative, which does not use the FERC accounting system, shall use the accounting required of borrowers by the Rural Electrification Administration (REA) or its successor agency.

Rule 25(d)

~~(d) Fixed Utilities - Radio Common Carriers~~

~~(1) Except as provided in Rule 25(c)(1), each radio common carrier operating in Colorado shall keep its books of account and records in accordance with the NARUC Uniform System of Accounts, to the extent required by the Commission.~~

~~(2) Preservation of records of radio common carriers shall be in accordance with the FCC Regulations which govern the preservation of records of radio common carriers.~~

~~(e)~~ (d) Fixed and Transportation Utilities - Pipeline Companies

(1)No changes....

(2) The annual report of a pipeline company shall be filed on a commission-supplied form, properly filled out, verified, and filed on or before April 30 of the following year. ~~If the pipeline company published an annual report to stockholders, other security holders or members, it shall file one copy with the Commission within 30 days after publication or receipt.~~

~~(f)~~ (e) Transportation Utilities - General Rules

(1)No Change....

~~(2) If a carrier publishes an annual report to stock holders or other security holders, the carrier shall file one copy with this Commission within 30 days after publication or receipt.~~

~~(3) If a Class I or Class II carrier is required to file a quarterly report with the Interstate Commerce Commission (ICC) or its successor agency, one copy shall be filed, with this Commission within 30 days after its publication or receipt.~~

(2) The annual report shall show the name and trade name (dba), if any, as shown in the records of the Commission for its common carrier certificates and contract carrier permits. The annual report shall show all certificate and permit numbers for which the report applies. Separate persons (including partnerships and corporations as defined by Rule 5(b)(8)) must file separate reports.

(3) When a permanent transfer of authority is granted, the transferor shall complete a terminating annual report.

(4) The certification of an annual report shall be signed by the owner, partner, or corporate officer of the transportation utility.

~~(4)~~ (5)No Change.....

Statutory Authority: 40-15-401

CR15-828

PROPOSED NEW RULE 26

Any fixed utility which is also subject to the jurisdiction of the Federal Communications Commission or the Federal Energy Regulatory Commission shall submit to the Chief of Fixed Utilities a copy of all filings made with such federal agencies. Copies of such filings shall be sent or delivered to the Chief of Fixed Utilities at the time of filing with the either federal agency.

AG File No. E9208389.46

CR15-829

RULE 30

Tariffs - Powers of Attorney - Concurrences of
Transportation Utilities

(a) Tariffs. A transportation utility operating in Colorado intrastate commerce shall file, and keep on file with the Commission, tariffs showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges, and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. Filed tariffs shall conform to Tariff Circular No. 1 (Appendix A) and shall be filed with the Commission with a letter of transmittal as in Form M. **Form M may be used for this purpose.**

(b) Powers of Attorney. A transportation utility may appoint an attorney or agent to issue, file, amend, adopt or concur in a tariff, by filing a power of attorney (~~Form H~~) with the Commission. **Form H shall be used for this purpose.** All transportation utilities assume full responsibility for the actions of their attorneys or agents.

(c) Concurrence. A transportation utility may concur in the filed tariffs of another transportation utility by filing a concurrence with the Commission. **Form O shall be used for this purpose.**

RULE 31(J) (2) (A) - (D)

RULE 31

(D) A passenger carrier also shall post concurrently with the filing of the changed tariff, a copy of the printed notice in a conspicuous place in the passenger compartment of each vehicle used in the transportation of passengers affected by the proposed change. The printed notice shall be as in Form N P for Rate Increase changes or Form Q for Time Schedule.

FORMS

TRANSPORTATION UTILITY FORMS

P - Form of Notice to Increase Rates by Common Carriers of Passengers under Rule 31(j)

Q - Form of Notice to Change Time Schedules by Common Carriers of Passengers Under Rule 31(j)

~~FORM N Form of Notice to Increase Rates by Common Carriers Under Rule 31(j)~~

NOTICE

Date of Notice: _____

~~NOTICE OF INCREASE RATES BY _____
{Name(s) and Address(es) of Carrier(s)}~~

~~You are notified that the carrier(s) named above (has/have) filed with the Colorado Public Utilities Commission, changes in rates, or rules and regulations increasing rates, affecting the transportation of _____~~

~~{State Type(s) of Passenger Service or Commodities} to become effective on the ____ day of _____, 19____, unless suspended by the Public Utilities Commission as follow:~~

- ~~(1) Increase(s) of _____% in Tariff No. _____,~~
- ~~(2) Increase(s) of _____% in Item No. (s) ____ of Tariff No. _____.~~

~~{Note: Separately list each Tariff rate or Item Increase.}~~

~~Anyone who desires may file a written objection. The filing of a written objection by itself will not allow you to participate as a party in any proceeding on the proposed action. If proceedings are established, and if you wish to participate as a party, you must file written intervention documents under the applicable rules.~~

~~Anyone who desired to object tot he action proposed shall file written objection documents with Colorado Public Utilities Commission,~~

~~_____, Denver Colorado _____, at least)
(Address) _____ (Zip Code)~~

~~10 days before the proposed effective date.~~

~~The Public Utilities Commission may hold a hearing to determine what rates, rules and regulations will be authorized. If the Commission holds a hearing, it may suspend the proposed rates, rules or regulation.~~

~~The rates, rules and regulations ultimately authorized may or may not be the same as those proposed and may include rates higher or lower than those proposed or currently in effect.~~

~~Anyone who desires to receive notice of hearing, is any, must file a written request for notice with the Public Utilities Commission, at the above address, at least 10 days before the proposed effective dates. If a hearing is held, any member of the public may attend and may make a statement under oath about the proposed increase, whether or not he has filed an objection or intervention.~~

By _____
(Name and Title of Officer)

Form N (Proposed)

Form N - Notice to Increase Rates by Common Carriers
of Property under Rule 31(j)

NOTICE OF RATE INCREASE

_____ (Name of Common Carrier(s))
(has/have) filed changes resulting in maximum increases of
_____ % in rates for the transportation of
_____ (Commodity(s)) in (Item/Tariff)
_____ proposed to become effective
_____ (Date) unless suspended by the Colorado
Public Utilities Commission.

Objections must be filed in writing to the Public Utilities Commission, 1580 Logan Street, Denver, CO 80203, at least ten days before the effective date. Request for notice of hearing, if the Commission sets the matter for hearing, must be filed in writing. Requests to intervene as a party must comply with Commission rules. If a hearing is held, any member of the public may attend and may make a statement, whether or not that person has filed an objection or intervention.

By _____

Name and Title of Officer

_____ Title of Officer

Form P - Notice to Increase Rates by Common Carriers
of Passengers under Rule 31(j)

NOTICE OF RATE INCREASE

_____ (Name of Common Carrier)
has filed changes resulting in maximum increases of _____ %
in rates for the transportation of passengers in _____
service in (Item/Tariff) _____ proposed to become
effective _____ (Date) unless suspended by
the Colorado Public Utilities Commission.

Objections must be filed in writing to the Public Utilities
Commission, 1580 Logan Street, Denver, CO 80203, at least ten days
before the effective date. Request for notice of hearing, if the
Commission sets the matter for hearing, must be filed in writing.
Requests to intervene as a party must comply with Commission rules.
If a hearing is held, any member of the public may attend and may
make a statement, whether or not that person has filed an objection
or intervention.

By _____

Name of Officer

Title of Officer

FORM Q

Form Q - Notice to Change Time Schedules
by Common Carriers of Passengers under Rule 31(j)

NOTICE OF CHANGE IN TIME SCHEDULES

_____ (Name of Common Carrier)
has filed change(s) in Time Schedule No(s) _____
for the transportation of passengers between _____
and _____ proposed to become effective
_____ (Date) unless suspended by the Colorado
Public Utilities Commission.

Objections must be filed in writing to the Public Utilities
Commission, 1580 Logan Street, Denver, CO 80203, at least ten days
before the effective date. Request for notice of hearing, if the
Commission sets the matter for hearing, must be filed in writing.
Requests to intervene as a party must comply with Commission rules.
If a hearing is held, any member of the public may attend and may
make a statement, whether or not that person has filed an objection
or intervention.

By _____

Name of Officer

Title of Officer

Rule 32 (g)

RULE 32

Tariffs of Contract Carriers - Hearing and Suspension -
Intervention

(g) Applicability of Other Provisions. In addition to the requirements of this Rule, contract carriers shall comply with the Commission's Rules and Regulation Governing ~~Private~~ ~~(Contract)~~ Carriers by Motor Vehicle pertaining to tariffs.

RULE 33

Adoption Notice When Name or Control of a
Transportation Utility Changes—Concurrences

~~(a) Adoption Notice.~~

(1) (a) When control of a transportation utility is transferred to another transportation utility, or the name is changed for any reason, the transportation utility which will afterwards operate under the certificate or permit shall file with the Commission, post in a prominent public place in each terminal facility and office of the utility, and have available for public inspection at each facility and office, in the form of a tariff numbered in its P.U.C. series, and adoption notice as in Form G.

(2) (b) In addition to the above adoption notice, the adopting transportation utility shall immediately file and post as required by Rule 33(a)(1), consecutively numbered supplements to each of the effective tariffs or time schedules issued or adopted by its predecessor.

(3) (c) When authority is granted for a transportation utility to assume temporary control of the operations of another transportation utility, the assuming utility shall file an adoption notice in the name specified in the temporary authority decision and otherwise comply with the provisions of this rule.

(4) (d) If the temporary authority to assume operating control is not made permanent, the original transportation utility shall file an adoption notice reassuming permanent control of the operations and otherwise comply with all of the provisions of this rule. The temporary authority which the original utility reassumes, expires for the reassuming utility on the effective date in the adoption notice and supplement.

~~(b) Concurrence. A transportation utility may concur in the filed tariffs of another transportation utility by filing a concurrence with the Commission as in Form O.~~

RULE 34

Rejection of Tariffs and Time Schedules
of Transportation Utilities

(a) Contents of Tariffs. Tariffs and time schedules of transportation utilities shall contain such information, and shall be published, filed, and posted in the form and manner required by the statutes, rules, regulations, orders, and decisions of the Commission.

(b) Rejection of Tariffs. The Commission may reject any filed tariff or time schedule filed which is not in the form required by the statutes, rules, regulations, orders, and decisions of the Commission. Any tariff or time schedule rejected by the Commission shall be void and shall not be used.

(c) Hearings. If the Commission determines that a hearing concerning the propriety of any tariff or time schedule filed by a transportation utility is required, the Commission may, in lieu of rejection, suspend the tariff or time schedule as provided by these rules.

RULE 35

Transportation Overcharges and Reparations

- (a) Overcharge is a charge for transportation service in excess of the charge applicable for that service under the tariffs on file with the Commission.
- (b) Reparation is a refund of that portion of the charges for transportation service applicable under the tariffs on file with the Commission in excess of the charges found by the Commission to be lawful charges.
- (c) Actions for Recovery of Overcharges or Reparations by customers shall be by complaint filed against the transportation utility within two years from the time the cause of action accrues, and not after.
- (d) Application for Voluntary Reparation may be filed by the transportation utility within two years from the time the cause of action accrues. Rule 24 applies.
- (e) This rule applies to common and contract carriers by motor vehicle, railroads, and oil products pipelines.

(e) Supporting Information to be Submitted with Advice Letters.

The supporting information submitted by a fixed utility to the Commission must support a conclusion that the tariffs filed by the Advice Letter are just and reasonable and in accordance with §40-3-101 C.R.S.

(1) Explanation and data supporting either changes or new tariff offerings. Material to be submitted by a fixed utility for a tariff change which affects rates or charges, or classification or in any rule, regulation or contract relating to or affecting any rate, charge, classification or service, or for a tariff offering a new service, must include an explanation of the changed or new matter, the reasons for the filing, the basis of ratemaking employed, and economic information to support the changed or new matter.

(A) For a tariff change the utility must submit the following, including complete explanations of the bases for the estimates.

(i) A cost of service study for all elements for the most recent 12 month period;

(ii) A study of containing a projection of costs for a representative 12 month period;

(iii) Estimates of the effect of the changed matter on the volume of service provided and revenues from the service to which the changed matter applies, the utility's other service classifications, and the utility's overall volume of service and revenues. These estimates must include the projected effects on the volume and revenues for the same representative 12 month period used in (ii) above;

(iv) Estimates of market demand and competitive factors.

(B) For a tariff filing offering a new service, the utility must submit the following, including complete explanations of the bases for the estimates.

(i) A study of containing a projection of costs for a representative 12 month period;

(ii) Estimates of the effect of the new matter on the volume of service provided and revenues from the service to which the changed matter applies, the utility's other service classifications, and the utility's overall volume of service and revenues. These estimates must include the

projected effects on the volume and revenues for the same representative 12 month period used in (i) above.

(iii) Estimates of market demand and competitive factors.

(2) Working papers and statistical data. Prior to or concurrently with the filing of an tariff change or tariff filing for a service not previously offered, the fixed utility will provide two sets of working papers to the Staff of the Commission, containing the information underlying the data supplied in response to paragraph 40(e)(1), of this rule and a clear explanation of how the working papers relate to that information.

(3) Access to Experts. Prior to or concurrently with the filing of any tariff change or tariff filing for a service not previously offered, the utility must provide Staff access to individual(s) within the utility who have expert knowledge of all supporting documentation, cost studies, marketing analysis, strategic pricing decisions, and so forth. Access to experts must be available at least three weeks prior to the proposed effective date of the tariff.

RULE 41

Tariffs-Applications to Change Tariffs by Fixed Utilities-
Hearing and Suspension-Notice

(a) Applicability. This Rule applies to all fixed utilities as defined in Rule 4(b)(5).

(b) Definitions:

(1) Tariff means a publication containing an index of articles, with schedules showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected and enforced, together with all rules, regulations, contracts, privileges, and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service.

(2) Rate means any rate, fare, toll rental or charge.

(c) Procedure to ~~Increase~~ CHANGE Rates Upon 30-Days' or More Notice.

Any fixed utility proposing to change any tariff, ~~which change would result in an increase on any rate,~~ shall proceed as follows:

(1) A UTILITY DESIRING TO CHANGE ITS TARIFF SHALL GIVE 30-DAYS' OR MORE NOTICE TO THE COMMISSION AND TO THE PUBLIC BY FILING WITH THE COMMISSION AND KEEPING OPEN FOR PUBLIC INSPECTION AT EACH BUSINESS OFFICE OF THE UTILITY THE PROPOSED TARIFFS, STATING PLAINLY THE CHANGE TO BE MADE AND THE PROPOSED EFFECTIVE DATE.

(2) UTILITIES SHALL PROVIDE ADDITIONAL NOTICE. THE ADDITIONAL NOTICE SHALL BE FILED WITH THE COMMISSION AT LEAST 30 DAYS BEFORE THE EFFECTIVE DATE OF THE CHANGE. THE ADDITIONAL NOTICE MAY BE MADE, AT THE OPTION OF THE UTILITY, BY ANY OF THE FOLLOWING METHODS:

(A) PUBLICATION:

(i) THE NOTICE SHALL BE PUBLISHED IN EACH NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE PUBLIC UTILITY PROVIDES SERVICE.

(ii) THE NOTICE SHALL BE FOUR COLUMNS WIDE AND ELEVEN INCHES HIGH.

(iii) THE NOTICE SHALL BE PUBLISHED ONCE EACH WEEK FOR TWO SUCCESSIVE WEEKS DURING THE FIRST TWENTY DAYS OF THE THIRTY-DAY PERIOD PRIOR TO THE EFFECTIVE DATE OF THE PROPOSED TARIFFS.

(iv) THE NOTICE SHALL BE AS IN FORM V.

(v) UTILITIES OTHER THAN THOSE PROVIDING INTRASTATE INTERLATA TELECOMMUNICATIONS SERVICES CHOOSING TO GIVE ADDITIONAL NOTICE BY
 CR15-842

PUBLICATION, SHALL ALSO BE REQUIRED TO INCLUDE, WITH EACH REGULAR BILLING STATEMENT MAILED TO AFFECTED CUSTOMERS DURING THE FIRST REGULAR BILLING CYCLE FOLLOWING THE FILING OF THE ADVICE LETTER, A BILL INSERT CONTAINING THE SAME INFORMATION CONTAINED IN THE NOTICE BY NEWSPAPER PUBLICATION.

(B) MAILING:

(i) NOTICE SHALL BE MAILED TO EACH AFFECTED CUSTOMER OF THE PUBLIC UTILITY DURING THE FIRST TWENTY DAYS OF THE THIRTY-DAY PERIOD PRIOR TO THE EFFECTIVE DATE OF THE CHANGE.

(ii) THE NOTICE SHALL BE AS IN FORM V.

(C) BILL INSERT:

(i) THE NOTICE SHALL BE INCLUDED AS AN INSERT IN THE BILL MAILED TO EACH AFFECTED CUSTOMER OF THE PUBLIC UTILITY DURING A REGULAR BILLING CYCLE NOT LATER THAN THE TWENTIETH DAY OF THE THIRTY-DAY PERIOD PRIOR TO THE EFFECTIVE DATE OF THE CHANGE.

(ii) THE NOTICE SHALL BE AS IN FORM V.

(D) UPON APPLICATION BY THE UTILITY SUCH OTHER MANNER AS THE COMMISSION MAY PRESCRIBE.

~~(1) A written or printed notice setting forth its proposed change and the effective date, shall be sent by first class mail, postage prepaid, or personally delivered, at least 30 days before the effective date, to each of the utility's customers affected by the proposed change, unless the utility elects to proceed under Rule 41(c)(2).~~

~~(2) If the utility uses a system of mail other than first class mail, the utility shall deposit the notice in the mail at least 45 days before the effective date of the change.~~

~~(3) The notice shall be as in Form V.~~

~~(4) The notice shall be filed with the Commission at least 30 days before the effective date of the change. If the notice is mailed or delivered more than 30 days before the effective date of the change, the notice shall be filed with the Commission on or before the final day of the mailing or delivery.~~

(5)(3) The Utility shall FILE WITH ~~inform~~ the Commission in writing within three days after completion of the required notification, PROOF of the compliance with the above requirements, stating the date the notification was completed and the method used, and enclosing a copy of the notice.

(d) Procedure to INTRODUCE A NEW SERVICE ~~Decrease Rates~~ Upon 30-Days' or More Notice.

Any fixed utility proposing to INTRODUCE ~~change~~ any NEW tariffED SERVICE, ~~which change would result in a decrease in any rate,~~ shall give 30-day's or more notice to the Commission and to the public by filing with the Commission and keeping open for public inspection at each business office of the utility the tariff, stating plainly the NATURE, TERMS, CONDITIONS, RATES, AND REGULATIONS REGARDING THE NEW SERVICE ~~change~~ to be INTRODUCED ~~made in~~ AND the proposed effective date. The Commission may by order require the utility to give additional notice of the proposed ~~change~~ NEW SERVICE by publication or mailing.

NEW

RULE 43

Rejection of Tariffs of Fixed Utilities

(a) Contents of Tariffs. Tariffs of fixed utilities shall contain such information, and shall be published, filed and posted in the form and manner required by the statutes, rules, regulations, orders, and decisions of the Commission.

(b) Rejection of Tariffs. The Commission may reject any filed tariff which is not in the form required by statutes, rules, regulations, orders, and decisions of the Commission. Any tariff rejected by the Commission shall be void and shall not be used.

(c) Hearings. If the Commission determines that a hearing concerning the propriety of any tariff filed by a utility is required, the Commission may, in lieu of rejection, suspend the tariff as provided by these rules.

RULE 50(e)(1)(A)(ii)

(ii) Location of its principal office, if any, in this state; and the names of its directors and officers. ~~and Colorado agent for service.~~

RULE 50(g)(3)

(3) If transferee is a corporation, a statement of that fact, and the state in which transferee is incorporated, location of its principal office, if any, in Colorado, and the names of its directors ~~and, officers, and Colorado agent for service~~ with a certified copy of transferee's Articles of Incorporation or Charter.

RULE 52

Names and Addresses of Transportation Utilities--Changes

- (a) Original Names and Addresses: The original name and address of a transportation utility in the records of the Commission shall be identical to the name and address in its application. The original name and address may be changed only in accordance with these rules.
- (b) Use of Name and Address: The transportation utility shall use the name and address currently shown in the official records of the Commission in all communication with the Commission.
- (c) Name: The name of a transportation utility shall consist of the name of the person, as defined by Rule 5(b)(8) of these rules, and the trade name, if any, under which operations are conducted.
- (d) Trade Names: The transportation utility shall file all trade names under which it is doing business. The Commission may require the filing of a certificate of assumed trade name or similar document. If more than one trade name is filed, the records of the Commission will show the trade names in the order filed by the transportation utility. The transportation utility shall continue to use all trade names filed in communications with the Commission until changed according to Paragraph (f) below.
- (e) Address: The address of a transportation utility shall consist of the complete street address (number and street, city, state, and zip code). If a different address is used for mailing purposes, it shall be filed in addition to the street address. A post office box number alone will not suffice, except for transportation utilities operating solely in interstate commerce having no street address in Colorado. The address of an attorney or other representative alone will not suffice.
- (f) Changes of Name: A transportation utility may change its name in the records of the Commission by filing a signed written request and one or more of the following documents as appropriate: proof of insurance and endorsements, a tariff adoption under Rule 33 of these rules, a certificate of assumed trade name, a copy of the approval of the Interstate Commerce Commission, a name change amendment to its articles of incorporation. The request shall state the numbers of all certificates, permits, and registrations of the transportation utility.

- (g) Changes of Address: A transportation utility may change its address in the records of the Commission by filing a signed written request. The request shall state the numbers of all certificates, permits, and registrations of the transportation utility.
- (h) Responsibility for Changes: It shall be the responsibility of the transportation utility to maintain its current name and address on file with the Commission. The Commission shall address all correspondence and communication with a transportation utility to address currently shown in record of Commission.
- (i) Transfers: A name change is not an application for any kind of transfer under Rule 50 and the name change procedure shall not be used in any attempt to circumvent Rule 50.
- (j) Procedures Informal: No formal Commission decision and order will be entered to establish a transportation utility's name and address, to change its name or address, or to dismiss requests not completed.

RULE 64

Intervention

(a) Intervention by Right.

(1) To intervene as a matter of right, one who has a statutory or legally protected right in the subject matter which may be affected by the proceeding, shall timely file an entry of appearance and notice of intervention.

(2) The holder of temporary authority, which authorizes transportation services, may not intervene as a matter of right in a transportation application seeking either common or contract carrier rights which duplicates the temporary authority, whether in whole or in part. However, a temporary authority holder may seek intervention by permission as provided in the this Rule.

~~(2)~~ (3) The entry of appearance and notice....

~~(3)~~ (4) No Commission order permitting....

RULE 78

Special Procedures in Certain
Fixed Utilities Proceedings

(b) Testimony and Exhibits to be Filed. In all fixed utility filings under Rule 78(a), the utility shall file with its application or tariffs, ten copies of its direct case testimony and exhibits. ~~on revenue requirements issues.~~