

Decision No. R24-0617

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24F-0343E

DWIGHT BORDELON,
COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,
RESPONDENT.

**RECOMMENDED DECISION
ACKNOWLEDGING WITHDRAWAL, VACATING
EVIDENTIARY HEARING, AND CLOSING PROCEEDING**

Issued Date: August 26, 2024

I. STATEMENT

1. On August 7, 2024, Dwight Bordelon (“Complainant”) filed the above-captioned formal complaint (“Complaint”), alleging that Public Service Company of Colorado (“Respondent”) is delaying implementation of Complainant’s solar bank selection.

2. On August 13, 2024, the Public Utilities Commission (“Commission”) scheduled the Complaint for an evidentiary hearing on October 28, 2024, at 9:00 a.m. On the same date, the Commission served on Complainant the Order Setting Hearing and Notice of Hearing and other documents.

3. Also on August 13, 2024, the Commission served on Respondent the Complaint, an Order to Satisfy or Answer, and the Order Setting Hearing and Notice of Hearing.

4. On August 21, 2024, the Notice of Withdrawal was filed by Complainant.

5. Rule 1309(d) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 provides: “[a] party may withdraw an application or petition upon notification to the Commission and all parties 45 days before the first day of hearing.” Since the scheduled hearing is more than 45 days away, Complainant provides notice of the withdrawal of its Complaint.

6. The Complaint is withdrawn. The evidentiary hearing scheduled for October 28, 2024, will be vacated and the proceeding will now be closed.

7. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. Complainant Dwight Bordelon’s Notice of Withdrawal is acknowledged. The Complaint is withdrawn.

2. The evidentiary hearing scheduled for October 28, 2024, is vacated.

3. This proceeding is closed.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director