

Decision No. R25-0342

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 25F-0106EG

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STAN ANDERSON,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

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**RECOMMENDED DECISION GRANTING MOTION TO  
WITHDRAW AND CLOSING PROCEEDING**

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Issued Date: May 5, 2025

**I. STATEMENT AND PROCEDURAL BACKGROUND**

1. This decision grants the parties' stipulated filing, Complainant Stan Anderson's Notice of Withdrawal of Formal Complaint ("Motion to Withdraw" or "Motion"), prohibits Complainant Stan Anderson ("Anderson" or "Complainant") from refileing the Complaint, and closes this proceeding.

2. On March 14, 2025, Anderson initiated this matter by filing a Complaint with the Public Utilities Commission ("PUC" or "Commission") against Public Service Company of Colorado ("PSCo").

3. On March 26, 2025, the PUC referred this matter by minute entry to an Administrative Law Judge ("ALJ") for disposition and set this matter for hearing for June 2, 2025. On that same date, the Commission ordered PSCo to satisfy the Complaint or file an answer within 20 days.

4. On April 8, 2025, PSCo filed a Notice of Satisfaction of Formal Complaint, stating that the parties “fully and amicably resolved” the complaint.<sup>1</sup> PSCo stated that it would file a joint notice of withdrawal.

5. On April 22, 2025, PSCo, on behalf of Anderson and PSCo, filed the joint Motion to Withdraw.<sup>2</sup>

## II. FINDINGS, ANALYSIS, AND CONCLUSIONS

6. Parties have 14 days within which to file a response to a motion, but the Commission may waive or shorten that time as it deems appropriate.<sup>3</sup>

7. Both parties join the Motion; therefore, the Motion is unopposed. Because the Motion to Withdraw is unopposed, the ALJ finds good cause to waive the response time to the Motion to Withdraw and does so.<sup>4</sup>

8. In the Motion to Withdraw, the parties notified the Commission that they fully and amicably resolved his complaint and that they seek withdraw the Complaint with prejudice.<sup>5</sup> The parties cite Rule 1309(d), 4 *Colorado Code of Regulations* (“CCR”) 723-1, as providing helpful guidance for withdrawing a complaint.<sup>6</sup> The parties also note that Rule 1309 does not apply to complaints.<sup>7</sup>

9. Generally, Rule 1309, 4 CCR 723-1, governs amending pleadings, withdrawing applications, petitions, advice letters, and tariffs. Although Rule 1309 does not include language

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<sup>1</sup> Notice of Satisfaction of Formal Complaint at pg. 1.

<sup>2</sup> Notably, the parties executed the withdrawal on April 7, 2025.

<sup>3</sup> Rule 1400(b) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1.

<sup>4</sup> See Rule 1400(b), 4 CCR 723-1.

<sup>5</sup> Motion to Withdraw at pg. 1.

<sup>6</sup> *Id.* at pg. 2.

<sup>7</sup> *Id.*

addressing how a party may withdraw a complaint,<sup>8</sup> the ALJ agrees that Rule 1309(d) provides a helpful framework for withdrawing a complaint. As such, the ALJ applies the same framework here.

10. Rule 1309(d) allows parties to withdraw an application or petition by filing and serving a notice at least 45 days prior to the first day of the hearing.<sup>9</sup> After that time, a party must file a motion seeking leave from the Commission to withdraw the application or petition.<sup>10</sup> In ruling on such a motion, the Commission must consider whether good cause for the withdrawal is stated and whether other parties would be prejudiced by the withdrawal.<sup>11</sup>

11. Because PSCo filed the Motion to Withdraw less than 45 days prior to the first day of the hearing, the ALJ treats the Motion as a motion seeking leave from the Commission to withdraw the Complaint.

12. The Motion establishes that the parties have fully and amicably settled this matter, and Anderson no longer wishes to pursue the Complaint. The parties request that the matter be closed and that the Complaint be withdrawn with prejudice. The ALJ construes this as seeking an order prohibiting Complainant from refileing the Complaint. For these reasons, the ALJ finds good cause to grant the Motion to Withdraw, and that doing so does not prejudice any party. Consistent with the Motion's request, the Complaint cannot be refiled.<sup>12</sup>

13. For the reasons and authorities discussed, the ALJ grants the Motion to Withdraw; deems the Complaint withdrawn; orders that the Complaint cannot be refiled; and closes this proceeding.

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<sup>8</sup> See Rule 1309(d), 4 CCR 723-1.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> This is similar to dismissing a complaint with prejudice.

14. In accordance with § 40-6-109, C.R.S., the ALJ transmits the record in this Proceeding and this Recommended Decision to the Commission and recommends that the Commission enter the following order.

### III. ORDER

#### **The Commission Orders That:**

1. The response time to the Complainant and Respondent's joint April 22, 2025 Notice of Withdrawal of Formal Complaint ("Motion to Withdraw") is waived, as discussed.

2. Consistent with the above discussion, the Motion to Withdraw is granted. Complainant Stan Anderson's complaint against Public Service Company of Colorado is deemed withdrawn and cannot be refiled.

3. The June 2, 2025 evidentiary hearing and all related deadlines in the proceeding are vacated.

4. Proceeding No. 25F-0106EG is closed.

5. 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.

6. 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.

7. 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

KELLY A. ROSENBERG

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,  
Director