

Decision No. R25-0776

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25F-0250EG

RICK RIEGER,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**RECOMMENDED DECISION
DISMISSING COMPLAINT WITH PREJUDICE**

Issued Date: October 29, 2025

I. STATEMENT AND SUMMARY

1. This Decision grants Public Service Company of Colorado's ("Public Service" or "Respondent") Motion to Dismiss filed October 7, 2025 ("Motion" or "Motion to Dismiss"); dismisses the above-captioned Complaint ("Complaint") with prejudice; and closes this Proceeding.

II. PROCEDURAL HISTORY¹

2. On June 6, 2025, Complainant initiated this matter by filing the Complaint with the Colorado Public Utilities Commission ("Commission") against Public Service Company of Colorado ("Public Service" or "Respondent").

¹ Only the procedural history necessary to understand this Decision is included.

3. During its weekly meeting held June 18, 2025, the Commission referred this matter by minute entry to an administrative law judge (“ALJ”) for disposition.

4. On June 30, 2025, Public Service filed its “Answer . . . to Formal Complaint.”

5. On August 26, 2025, Respondent filed a “Notice of Settlement.” (“Notice”).

6. On September 5, 2025, among other matters, the ALJ established a September 29, 2025 deadline by which the parties must file a motion to dismiss or a status report.²

7. On September 19, 2025, Complainant caused the following documents to be filed: Confidential Mediation Settlement Agreement (“Agreement” or “Settlement Agreement”) and Complainant Rick Reiger’s Notice of Withdrawal of Formal Complaint (“Withdrawal”).

8. On September 29, 2025, Public Service filed a Status Update of Public Service Company of Colorado to Formal Complaint (“Status Report”).

9. On October 7, 2025, Public Service filed the Motion to Dismiss.

III. FINDINGS AND CONCLUSIONS

10. The Status Report explains that the parties reached a settlement after participating in a mediation at the Commission.³ Public Service sent the resulting Settlement Agreement to Complainant and the Withdrawal for Complainant to sign.⁴ The Status Report explains that Complainant mailed both documents to the Commission, but that Public Service had not received a signed copy of the Settlement Agreement from Complainant.⁵ Public Service explains that it understands that Complainant sent the Agreement and unsigned Withdrawal to the Commission in an attempt to fully resolve this Proceeding.⁶

² Decision No. R25-0644-I (issued September 5, 2025).

³ Status Report at 1.

⁴ *See id.* at 1-2.

⁵ *Id.* at 2.

⁶ *Id.*

11. The Withdrawal states that Complainant notifies the Commission that he withdraws the Complaint because the parties fully and amicably resolved the Complaint.⁷ However, Complainant did not sign the Withdrawal. This renders the Withdrawal ineffective.⁸

12. The Motion to Dismiss explains that after Complainant filed the Settlement Agreement and Withdrawal, Public Service asked Complainant sign the Withdrawal so that the signed copy could be filed.⁹ The Motion states that Complainant declined to sign the Withdrawal because Complainant believes that he did everything needed to resolve this matter by signing the Settlement Agreement.¹⁰ Public Service agrees, and asserts that Complainant acted on his intent to end this Proceeding when he sent the Commission the signed Settlement Agreement and unsigned Withdrawal.¹¹ Based on the foregoing, and the fully executed Settlement Agreement, Public Service requests that the Complaint be dismissed with prejudice.¹²

13. The record plainly reflects that the parties have fully resolved their disputes in this Proceeding.¹³ What is more, the time to respond to the Motion to Dismiss has elapsed,¹⁴ and Complainant has not objected to or otherwise responded to the Motion. As such, the ALJ deems the Motion to Dismiss confessed.¹⁵ For the foregoing reasons and authorities, and because it is unopposed, the ALJ grants the Motion to Dismiss.

⁷ Withdrawal at 1.

⁸ See Rule 1202(e) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1 (all pleadings must be signed).

⁹ Motion to Dismiss at 3.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 3-4.

¹³ See Settlement Agreement.

¹⁴ See Rule 1400(b), 4 CCR 723-1.

¹⁵ See Rule 1400(d), 4 CCR 723-1.

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

IV. ORDER

A. The Commission Orders That:

1. Public Service Company of Colorado's Motion to Dismiss Formal Complaint with Prejudice filed October 7, 2025 is granted, consistent with the above discussion.

2. Complainant Rick Rieger's Complaint filed June 6, 2025 is dismissed with prejudice.

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



MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director