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**RULES REGULATING APPLICATIONS FILED IN ACCORDANCE WITH  
§ 40-3-104.3, C.R.S., CONCERNING THE AUTHORITY OF THE  
PUBLIC UTILITIES COMMISSION TO REFRAIN FROM REGULATING  
GAS, ELECTRIC, OR STEAM UTILITIES**

**BASIS, PURPOSE, AND STATUTORY AUTHORITY**

These rules are issued under the authority of § 40-2-108, C.R.S., and § 24-4-103, C.R.S. The rules establish the information required by the Commission in an application filed in accordance with § 40-3-104.3, C.R.S., so that a public utility may be authorized to negotiate prices and terms of service for electric, natural gas, or steam service with a specific current customer where the customer has the ability to provide its own service or has competitive alternatives available and so that a complete application can then be processed within 30 days.

**RULE 1 - APPLICABILITY**

These rules provide the exclusive means by which a person may seek an order from the Commission invoking its authority to refrain from regulating gas, electric, or steam utilities in accordance with § 40-3-104.3, C.R.S.

**RULE 2 - DEFINITIONS**

As used in these rules, unless the context otherwise requires:

- (a) "Application" means a pleading requesting an order from the Commission invoking its authority to refrain from regulating gas, electric, or steam utilities in accordance with § 40-3-104.3, C.R.S., but does not include, for example, the use of an advice letter or any other form of tariff filing as an initial request. Applications must be noticed to the public by the Commission in accordance with § 40-3-104, C.R.S., and Rule 63(g) of Commission's Rules of Practice and Procedure found at 4 CCR 723-1 so persons have an opportunity to intervene.
- (b) "Person" means the same as found in § 40-1-102(5), C.R.S.
- (c) "Customer" means a person currently receiving electric, natural gas, or steam service from a public utility.

### RULE 3 - APPLICATION PROCESS

#### Rule 3.1 - General Information in Application

Any person ("the applicant") requesting an order from the Commission invoking its authority to refrain from regulating gas, electric, or steam utilities in accordance with § 40-3-104.3, C.R.S., shall file a verified application for such an order. The application shall contain the following information, unless the Commission grants a waiver to omit any specific piece of information in accordance with Rule 6 of these rules.

- (a) The name, address, and telephone number of the applicant;
- (b) The name under which the applicant will provide these services if different than in subparagraph (a);
- (c) If the applicant is a corporation:
  - (1) A statement of that fact, the state in which it is incorporated, and, if an out-of-state corporation, a copy of the authority qualifying it to do business in Colorado;
  - (2) Location of its principal office, if any, in this state; and
  - (3) A copy of its Articles of Incorporation (unless a current copy is already on file with the Commission);
- (d) If the applicant is a partnership, the name, title, and business address of each partner, both general and limited, and a copy of the partnership agreement establishing the partnership and later amendments, if any (unless a current copy is already on file with the Commission);
- (e) The name of the specific customer;
- (f) A description of the services upon which the applicant seeks the right to negotiate prices and terms with a specific customer;
- (g) A statement of the means by which the applicant will provide the services if it is successful in obtaining a contract with a specific customer;

- (h) The facts upon which the applicant will rely to demonstrate that the specific customer will discontinue using the services of the applicant if the authorization is not granted. Such facts may include, but are not limited to, information concerning the following if available:
  - A. The provision and cost of backup utility services, if services of the applicant are discontinued by the specific customer;
  - B. Description of the site where the specific customer proposes to obtain alternative services;
  - C. A site specific feasibility study evaluating the method and equipment to be used in obtaining alternative services;
  - D. THE total cost to the specific customer of obtaining alternative services, broken down by capital cost, operating costs, and engineering costs;
  - E. Demonstration of the availability of fuel at the specific customer's site, and estimates of the fuel costs of the customer; and
  - F. Demonstration of the commitment of the customer's management to move forward on the project.
- (i) The facts upon which the applicant will rely to demonstrate that the specific customer will have competitive alternatives to the present service offered by the applicant to the customer under tariff or that will demonstrate that the customer has the ability to provide its own service. Such facts may include, but are not limited to, information concerning the following if available:
  - A. An economic study showing the costs and benefits of the specific customer's competitive alternatives, as compared to remaining a customer of the utility.
  - B. All assumptions used to perform the economic study should be clearly stated.

- (j) The facts upon which the applicant will rely to demonstrate that remaining customers of the applicant will not be as adversely affected by granting the authorization as they would be if the alternative of losing the specific customer occurred. Such facts may include, but are not limited to, information concerning the following if available:
  - A. A study showing the annual costs to remaining ratepayers if the specific customer discontinues purchasing services from the applicant;
  - B. A study considering forecasted loads and resources for the applicant over the period of the contract; and.
  - C. Reentry fees to return to the public utility's system for the service at issue.
- (k) The facts upon which the applicant will rely to demonstrate that granting the authorization is in the public interest.
- (l) The name and address of the applicant's representative, if any, to whom all inquiries should be made.

**Rule 3.2** - Prefiled Testimony and Exhibits

3.2.1 At the time the application is filed, the applicant shall file 10 copies of its direct testimony and 10 copies of exhibits to be offered at the hearing, except as required in Rule 3.4.2. If an exhibit is too large or cumbersome to prefile, the location of the exhibit shall be disclosed where parties may inspect it, and the applicant shall file 10 copies of the title of each exhibit and a summary of the information contained in the exhibit.

3.2.2 Prefiled testimony or exhibits shall not be modified once filed except for typographical errors or mistakes or where all parties to the proceeding agree to the change. In the event a substantive change is made without the agreement of all parties, the Commission may consider the effect of the substantive change as a basis for a motion to continue in order to allow the Staff of the Commission and any other party a reasonable opportunity to properly address the change.

3.2.3 In the event a person intervenes in a proceeding initiated under § 40-3-104.3, C.R.S., upon notice to the applicant, either in writing, by facsimile, or by any other method, the applicant shall hand deliver or otherwise provide to the intervenor, copies of all prefiled testimony and exhibits filed in accordance with Rule 3.2.1 within 2 working days.

3.2.4 In the event the applicant has reason to believe that its application filed in accordance with § 40-3-104.3, C.R.S. will be noncontested and unopposed, it may omit prefiling its testimony and exhibits with its application, and if the notice period expires without the matter being contested or opposed, the application may be processed in accordance with § 40-6-109(5), C.R.S., and Rule 24 of the Commission's Rules of Practice and Procedure unless otherwise ordered by the Commission. However, any delay in processing the application because applicant elected not to prefile testimony and exhibits may be proper grounds for a motion to continue a hearing date.

#### Rule 3.3 - Incomplete Applications

Should an application be filed which the Commission determines is not complete, the Commission shall notify the applicant within 10 days from the date the application is filed of the need for additional information. The applicant may then supplement the application so that it is complete. Once complete, the application will then be processed as of the date the application is completed.

#### Rule 3.4 - Confidential Information

3.4.1 The applicant shall indicate any information which is claimed to be confidential and shall state the grounds with specificity and cite the legal authority for the claim of confidentiality in a motion for protective order. This motion shall be filed with the application or any claim of confidentiality for information filed in the application or as prefiled testimony and exhibits shall be deemed waived.

3.4.2 If an applicant contends any portion of the application, prefiled testimony, or exhibits is confidential, it shall file six copies of the application, prefiled testimony, and exhibits without the asserted confidential information, together with the motion for protective order. This information will be available to the public immediately. The applicant shall also file six copies of the complete application, prefiled testimony, and exhibits claimed to be confidential and the subject of a motion for protective order under seal.

3.4.3 The motion for protective order will be decided within ten calendar days from the date the application is filed. Response time to the motion shall be shortened to five calendar days. If the motion is granted, a protective order shall be issued as stated in Exhibit 1 to these rules unless otherwise ordered by the Commission.

**RULE 4 – GENERAL RULES CONCERNING APPLICATIONS FILED  
IN ACCORDANCE WITH § 40-3-104.3, C.R.S.**

**Rule 4.1 – Notice**

4.1.1 Since § 40-3-104.3(5), C.R.S., requires the Commission to issue its order approving or disapproving an application filed under these rules within 30 days from the date it is filed. The Commission finds that it must authorize less than statutory notice for the application in accordance with § 40-3-104(2), C.R.S., in order to meet its obligation to complete review within 30 days.

4.1.2 In accordance with § 40-3-104, C.R.S., and Rule 63(g) of Commission's Rules of Practice and Procedure, the Commission will issue notice to all persons, in a manner similar to that stated in Form A attached to these rules, who may be interested in or affected by any application filed under these rules for a period of 10 days during which time these persons may intervene in the relevant docket.

4.1.3 Upon the filing of an application in accordance with § 40-3-104.3, C.R.S., the applicant must provide a single notice in accordance with Form B attached to these rules of the application within 3 days in the "legal notice" section in a newspaper of general circulation in accordance with § 40-3-104(c)(I)(D), C.R.S., unless the Commission approves a different means to notify existing customers.

**Rule 4.2 – Non-Action By The Commission  
Effect Of Failure To Comply With Procedural Requirements**

No application or request filed with the Commission shall be deemed granted by non-action of the Commission or by the Commission's failure to comply with any procedural requirement in these Rules except as specifically required by statute.

**RULE 5 – SEGREGATION OF INVESTMENTS, EXPENSES, AND REVENUES**

If a utility is successful in its negotiations and enters into a contract with a specific customer, the Commission may require the utility to file with the Commission an accounting plan that segregates assets, liabilities, revenues, and expenses for the services at issue from the assets, liabilities, revenues, and expenses associated with all other regulated services in order to ensure that the services which are the subject of the contract are not subsidized by the revenues from other utility operations in accordance with § 40-3-104.3(2)(a), C.R.S. If the Commission requires such a segregation of assets, liabilities, revenues, and expenses, it shall specify a fully distributed cost-allocation methodology.

#### RULE 6 - PRICE OF SERVICES

The price of any utility service provided to a customer, for whom the Commission has authorized the public utility to negotiate prices or terms of service in accordance with § 40-3-104.3(1)(a), C.R.S., shall not be less than the marginal cost of the service to the public utility.

#### RULE 7 - WAIVER OF RULES

The Commission may permit variance from these rules, if not contrary to law, for good cause shown or if it finds compliance to be impossible, impracticable, or unreasonable.

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PROTECTIVE PROVISIONS  
RELATING TO CONFIDENTIAL INFORMATION

1. Confidential Information: All documents, data, information, studies, computer programs, and other matters furnished in any form in response to any interrogatories or requests for information, subpoenas, depositions, or other modes of discovery that are claimed to be a trade secret or confidential in nature shall be furnished under the terms of this Order, and shall be treated by all persons accorded access pursuant to this Order as constituting trade secret, confidential, commercial, and financial information (here referred to as "confidential information"), and shall neither be used or disclosed except for the purpose of this proceeding, and solely in accordance with this Order.

To the extent there may be information which a party believes requires extraordinary protection beyond that provided for in this Order, the party shall file the information with the Commission, only, under seal together with a motion seeking such extraordinary protection. The motion shall state the grounds for seeking the relief and advise all other parties of the request and the subject matter of the material at issue.

2. Use of Confidential Information and Persons Entitled to Review. All confidential information made available pursuant to this Order shall be given solely to the Commission or counsel for the parties and shall not be used or disclosed except for purposes of this proceeding; provided, however, that access to any specific confidential information may be authorized by counsel, solely for the purpose of this proceeding, to those persons indicated by the parties as being their experts or advisors in this matter. With the exception of the Office of Consumer Counsel, no expert may be an officer, director, or employee concerned with marketing or strategic planning of directly competitive products and services of the party or of any subsidiary or affiliate of the party. Any member of the Staff of the Commission may have access to any confidential information made available under the terms of this Order.

3. Nondisclosure Agreement. No access to confidential information shall be authorized under the terms of paragraph 2 of this Order until the person authorized by counsel to have access signs a nondisclosure Agreement in the form that is attached and incorporated as Attachment 1. The Nondisclosure Agreement shall require the persons to whom disclosure is to be made to certify in writing that they have read this Order and agree to be bound by its terms. The agreement shall contain the signatory's full name, permanent address, and employer, and the name of the party with whom the signatory is associated. This agreement shall be delivered to counsel for the providing party and the Commission at the time of review of the documents, or as soon thereafter as practicable.

4. Delivery of Documentation. Where feasible, confidential information will be marked as such and delivered to counsel. In the alternative, the confidential information may be made available for inspection and then reviewed by counsel and experts, as defined in paragraph 2 of this Order, in a place and time mutually agreed on by the parties, or as directed by the Commission.

5. Challenge to Confidentiality. This Order establishes a procedure for the expeditious handling of information that a party claims is confidential; it shall not be considered as an agreement or ruling on the confidentiality of any document.

(a) A party seeking to challenge the confidentiality of any materials pursuant to this Order shall first contact counsel for the providing party and attempt to resolve any differences by stipulation.

(b) In the event that the parties cannot agree as to the character of the information challenged, any party challenging the confidentiality shall do so by advising all parties and the Commission, in writing, that it deems material nonproprietary and outside the scope of any Protective Order. This notice shall designate the material challenged in a manner that will specifically isolate the challenged material from other material claimed as confidential.

(c) The providing party shall, within ten days of the notice, file appropriate pleadings stating grounds upon which challenged data is deemed to be confidential. The challenging party shall have ten days to respond to the pleading. In the event the providing party fails to file appropriate pleadings within ten days, any challenged material shall be removed from the provisions of the Protective Order.

(d) When the Commission receives a pleading asserting confidentiality by the providing party regarding any items claimed as proprietary under the terms of this Order, the Commission will enter an order resolving the issue.

(e) In the event the Commission should rule in response to a pleading that any information should be removed from the protective requirements of this Order or from the protection of the sealed record, the parties, at the request of the providing party and to enable the providing party to seek a stay or other relief, shall not disclose the information or use it in the public record for five business days.

6. Receipt into Evidence. Provision is made here for receipt of evidence in this proceeding under seal. At least ten days prior to the use of or substantive reference to any confidential information as evidence at hearing, the party intending to use the information shall make that intention known to the providing party unless the usage could not be reasonably anticipated. The burden to demonstrate that the usage could not be reasonably anticipated shall be upon the party seeking to use the information. This notice requirement may be met where the confidential information is cited or used in prefiled testimony or in prefiled exhibits. If used in prefiled testimony or in a prefiled exhibit, that portion of the prefiled material which is confidential shall be filed under seal. The requesting party and the providing party shall make a good faith effort to reach an agreement so the confidential information can be used in a manner which will not reveal its trade secret, confidential, or proprietary nature. If these efforts fail, the providing party shall separately identify, within two business days, which portions, if any, of the documents or transcripts to be offered or referenced on the record containing confidential information shall be placed in the sealed Record. Six copies of the document shall be filed under seal with the Commission. In the event any person reviews a copy of a document filed under seal, that person (including Counsel and Staff advisors to the Commission), shall first have signed a nondisclosure agreement. The six copies filed under seal shall be numbered serially. Otherwise, parties shall make only general references to confidential information in these proceedings.

(a) Seal. While in the custody of the Commission, these materials shall be marked "CONFIDENTIAL--SUBJECT TO PROTECTIVE ORDER IN DOCKET NO. \_\_\_\_\_."

(b) Appeal. Sealed portions of the record in this proceeding may be forwarded to any court of competent jurisdiction on appeal in accordance with applicable rules and regulations, but under seal as designated here for the information and use of the Court.

(c) Data Requests. This procedure shall apply to data requests made during hearing and received thereafter. Resolution of disputes shall be by hearing thereafter, upon notice.

7. Use in Pleadings. Where reference to confidential information is required in pleadings, cross-examinations, briefs, arguments, or motions (except prefiled testimony and exhibits as noted in paragraph 6), it shall be by citation of title or exhibit number, or by some other description that will not disclose confidential information. Any further use of or substantive references to confidential information shall be placed in a separate section of the pleading or brief and submitted to the Commission under seal.

8. Segregation of Files. Those parts of any writing, depositions reduced to writing, written examinations, interrogatories and answers, or other written references to confidential information in the course of discovery, if filed with the Commission, will be sealed by the Executive Secretary of the Commission, segregated in the files of the Commission, and withheld from inspection by any person not bound by the terms of this Order, unless the confidential information is released from the restrictions of this Order either through agreement of the parties and the providing party or, after notice to the parties and providing party, and hearing, pursuant to the Order of the Commission or final order of a Court having jurisdiction.

9. Preservation of Confidentiality. All persons who are afforded access to any confidential information by reason of this Order shall neither use nor disclose the confidential information for purposes of business or competition, or any other purpose other than the purposes of preparation for and conduct of this proceeding, and then solely as contemplated here, and shall take all reasonable precautions to keep the confidential information secure and in accordance with the purposes and intent of this Order. No party receiving confidential information pursuant to this Order may copy, microfilm, microfiche, or otherwise reproduce such confidential information without the written consent of the providing party.

10. Reservation of Rights. The parties and non-parties further retain the right to question, challenge, and object to the admissibility of any and all data, information, studies, and other matters furnished under the terms of the Protective Order on the grounds of relevancy or materiality.

11. Non-Waiver. This Order shall in no way constitute a waiver of the rights of any party or person to contest any assertion or finding of trade secret, confidentiality, or privilege, or to appeal any determination of the Commission or assertion by a party.

12. Scope. The provisions of this Order are specifically intended to apply to information supplied by any party to this proceeding, and any nonparty that supplies documents, testimony, or other information pursuant to process issued by this Commission.

13. Retention of Documents. Upon request of the entity providing confidential information, at the conclusion of these proceedings, all documents and information subject to this Order, including any copies or extracts or summaries, or documents containing information from them, shall be returned to the party or person producing them. No copy shall be retained, except the original shall be maintained in the Commission files. Copies of briefs and pleadings prepared by counsel for a party or by a pro se party may be retained.

14. Remedies. Any person or party to this Order retains all remedies existing at civil or criminal law for breach of this Protective Order, and no provision here shall be construed to be a waiver of those rights.

ATTACHMENT 1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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APPLICATION OF \_\_\_\_\_ )  
IN ACCORDANCE WITH § 40-3-104.3, )  
C.R.S., SEEKING AN ORDER FROM THE )  
PUBLIC UTILITIES COMMISSION TO )  
REFRAIN FROM REGULATING GAS, )  
ELECTRIC, OR STEAM SERVICES. )

DOCKET NO. \_\_\_\_\_

NONDISCLOSURE AGREEMENT

I hereby agree that I have read the PROTECTIVE PROVISIONS  
RELATING TO CONFIDENTIAL INFORMATION entered in Docket No. \_\_\_\_\_ and  
agree to be bound by its terms.

\_\_\_\_\_  
(NAME)

\_\_\_\_\_  
Employer or Firm

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
Party in Case

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF _____ ) FOR AN ORDER AUTHORIZING IT TO _____ ) NEGOTIATE PRICES AND TERMS OF _____ ) SERVICE WITH _____ ) FOR _____ SERVICE. )	<u>NOTICE OF APPLICATION FILED</u>  <u>DOCKET NO. 90A-</u>
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TO ALL INTERESTED PERSONS, FIRMS OR CORPORATIONS:

You are notified that this application has been filed with the Colorado Public Utilities Commission by \_\_\_\_\_ (name),  
\_\_\_\_\_ (address)

in accordance with § 40-3-104.3(1)(a), C.R.S. for an order authorizing it to negotiate prices and terms of service with \_\_\_\_\_ (customer's name) for (electric, natural gas, or steam) service because (customer's name) may have the ability to provide its own (electric, natural gas, or steam) service or may have competitive alternatives available to it, as more specifically stated in the application which is available for public inspection at the Commission office located at 1580 Logan Street, OL2, Denver, Colorado 80203.

Any person desiring to intervene or participate as a party in this proceeding shall file his petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party, within 10 days after the date of this notice. If you do not wish to intervene or become a party, but desire to file comments, you may send written comments addressed to the Public Utilities Commission, 1580 Logan Street, OL2, Denver, Colorado 80203, (303) 894-2070. This application will be processed on an expedited basis in accordance with the Commission's Rules Regulating Applications filed in accordance with § 40-3-104.3, C.R.S., concerning the authority of the Public Utilities Commission to refrain from Regulating Gas, Electric, or Steam Utilities, found at 4 CCR 723-\_\_.

This proceeding may be processed by the Commission without a hearing if no interventions or petitions to intervene are timely filed in accordance with § 40-6-109(5), C.R.S.

In the event interventions are filed or if the Commission upon its own motion sets this matter for hearing, the Applicant shall certify, in writing, to the Commission Secretary that it desires either to proceed to hearing or to withdraw its application. This certification shall be filed within 3 days after the notice period expires, where interventions have been filed, or within 3 days after the Applicant has been notified that this matter will be set for hearing upon the Commission's own motion.

If the Applicant has not already done so, the Applicant shall file ten copies of the testimony of each witness who is expected to testify in the Applicant's direct case and a list of exhibits and ten copies of each of its exhibits with the Commission at the time it files its certification. Copies of the foregoing documents shall be served upon all parties to the proceeding in accordance with the Commission's Rules Regulating Applications filed in accordance with§ 40-3-104.3, C.R.S., concerning the authority of the Public Utilities Commission to refrain from Regulating Gas, Electric, or Steam Utilities.

Parties to a proceeding are responsible for reviewing the Commission's file to determine who are the parties in this proceeding in order to properly serve parties with copies of pleadings. No witness shall be permitted to testify, nor shall any document be received in evidence on behalf of the Applicant, except in rebuttal, unless filed and served as provided in this notice.

If a party does not meet these requirements, those found in the Commission's Rules of Practice and Procedure where applicable, and those found in the Commission's Rules Regulating Applications filed in accordance with§ 40-3-104.3, C.R.S., concerning the authority of the Public Utilities Commission to refrain from Regulating Gas, Electric, or Steam Utilities, the Commission may dismiss the application or intervention upon motion filed by any other party, unless good cause is shown. No motion for continuance shall be granted, except for good cause shown, and in accordance with the Commission's Rules Regulating Applications filed in accordance with§ 40-3-104.3, C.R.S., concerning the authority of the Public Utilities Commission to refrain from Regulating Gas, Electric, or Steam Utilities.

The Commission Secretary shall consider hearing dates and places within 5 days after the Applicant's certification has been received, and each party shall notify the Secretary within that time of the number of days the party expects the hearing to take, the location where the party desires the hearing to be held, and existing commitments during the following 30-day period which will prevent the party from appearing. If any party fails to so notify the Secretary of the Commission, the party will be deemed to have consented to the hearing date and location determined by the Secretary. Parties will be notified by the Commission of the hearing date, time and location. Applicants must appear at the hearing and present evidence in support of their application. Other parties may appear and present evidence in accordance with their interests. Public testimony will also be received if offered, and if a hearing is held.

No exception to the procedure described in this notice shall be made except upon timely motion showing good cause.

(SEAL)

JAMES P. SPIERS  
Executive Secretary

Dated at Denver, Colorado this  
\_\_ day of \_\_\_\_, 1990.

NOTICE

Date of Notice: \_\_\_\_\_

NOTICE OF THE FILING OF AN APPLICATION BY \_\_\_\_\_  
(name of public utility)\_\_\_\_\_  
(address)SEEKING AN ORDER FROM THE COLORADO PUBLIC UTILITIES COMMISSION  
AUTHORIZING IT TO NEGOTIATE PRICES AND TERMS OF SERVICE FOR  
TO PROVIDE \_\_\_\_\_\_\_\_\_\_  
(name of customer) (electric, natural gas, or steam)  
SERVICE BECAUSE \_\_\_\_\_ MAY HAVE THE ABILITY TO PROVIDE  
\_\_\_\_\_  
(name of customer)  
ITS OWN SERVICE OR MAY HAVE COMPETITIVE ALTERNATIVES AVAILABLE TO IT

You are notified that the public utility named above has filed with the Colorado Public Utilities Commission an application seeking an order from the Colorado Public Utilities Commission authorizing it to negotiate prices and terms of service for \_\_\_\_\_ (customer name), one of its current customers, to provide \_\_\_\_\_ (gas, electric, or steam) service because \_\_\_\_\_ (customer name) may have the ability to provide its own service or may have competitive alternatives available to it.

1. GIVE A GENERAL DESCRIPTION OF THE TYPES OF SERVICES TO BE AFFECTED.
2. STATE WHERE AFFECTED CUSTOMERS MAY CALL TO OBTAIN INFORMATION CONCERNING THE APPLICATION DURING THE TEN-DAY NOTICE PERIOD.

Anyone who desires may file a written objection to the application. 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 you wish to participate as a party, you must file a petition to intervene within 10 days from the date of this notice in accordance with the Commission's Rules of Practice and Procedure.

Anyone who desires to file written objection to the proposed action or a petition to intervene shall file it with the Colorado Public Utilities Commission, 1580 Logan Street, OL-2, Denver, Colorado 80203, within 10 days from the date of this notice.

Anyone who desires to receive notice of any hearing held concerning this application shall file a written request for notice with the Colorado Public Utilities Commission, at the above address, within 10 days from the date of this notice.

If a hearing is held, any member of the public may attend and may make a statement under oath about the application, whether or not he has filed an objection or intervention.

By \_\_\_\_\_  
(Name and Title of Officer)