

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SANGRE DE CRISTO ELECTRIC ASSOCIA-)
TION, INC., A COLORADO CORPORATION)
OF BUENA VISTA, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO FURNISH ELECTRIC)
SERVICE FOR LIGHT, HEAT, POWER)
AND OTHER PURPOSES IN THE TERRITORY)
DESCRIBED IN THE INSTANT APPLICA-)
TION LOCATED IN PORTIONS OF CUSTER)
AND FREMONT COUNTIES, STATE OF)
COLORADO AND FOR AUTHORITY TO)
SURRENDER CERTAIN TERRITORY IN)
CUSTER COUNTY AS DESCRIBED IN THE)
APPLICATION.)

APPLICATION NO. 30549-Amended

IN THE MATTER OF THE APPLICATION OF)
CENTRAL TELEPHONE & UTILITIES CORPORA-)
TION, A KANSAS CORPORATION, OF WHICH)
SOUTHERN COLORADO POWER COMPANY IS A)
DIVISION, 115 WEST 2ND STREET, PUEBLO,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO FURNISH)
ELECTRIC SERVICE FOR LIGHT, HEAT,)
POWER AND OTHER PURPOSES IN THE TERRI-)
TORY DESCRIBED IN THE INSTANT APPLICA-)
TION LOCATED IN PORTIONS OF CUSTER AND)
FREMONT COUNTIES, STATE OF COLORADO)
AND FOR AUTHORITY TO SURRENDER CERTAIN)
TERRITORY IN CUSTER COUNTY AS DESCRIBED)
IN THE APPLICATION.)

APPLICATION NO. 30482-Amended

- - - - -
May 9, 1978
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S T A T E M E N T

BY THE COMMISSION:

On October 19, 1977, Central Telephone & Utilities Corporation, of which Southern Colorado Power Company is a division, (hereinafter sometimes referred to as "Southern Colorado Power") filed with the Commission Application No. 30482 for a Certificate of Public Convenience and Necessity to furnish electric service for light, heat, power and other purposes in the territory described in the application located in portions of Custer and Fremont Counties, State of Colorado, and for authority to surrender certain territory in Custer County. Inasmuch as the original caption on Application No. 30482 did not indicate that Southern Colorado Power had also applied for authority to surrender certain territory in Custer County, Southern Colorado Power amended its application so as to correct the caption thereof on January 20, 1978.

On November 14, 1977, Sangre De Cristo Electric Association, Inc., (hereinafter "Sangre De Cristo") filed Application No. 30549 for a certificate of public convenience and necessity to furnish electric service for light, heat, power and other purposes in portions of Custer and Fremont Counties and for authority to surrender certain territory in Custer County, Sangre De Cristo amended its application so as to correct the caption thereof on January 6, 1978.

Notice of Application No. 30482, as amended, was given by the Commission on January 24, 1978, in accordance with CRS 1973, 40-6-108(2). No protest, objection or petition to intervene or otherwise participate in the proceeding has been filed within the time prescribed. Accordingly, inasmuch as Application No. 30482-Amended is noncontested and unopposed pursuant to CRS 1973, 40-6-109(5), Application No. 30482-Amended may properly be determined without the necessity of a formal oral hearing.

Notice of Application No. 30549, as amended, was given by the Commission on January 24, 1978, in accordance with CRS 1973, 40-6-108(2). No protest, objection or petition to intervene or otherwise participate in the proceeding has been filed within the time prescribed. Accordingly, inasmuch as Application No. 30549-Amended is noncontested and unopposed pursuant to CRS 1973, 40-6-109(5), Application No. 30549-Amended may properly be determined without the necessity of a formal oral hearing.

The two foregoing applications, as amended, ask for an exchange of territory between Southern Colorado Power and Sangre De Cristo.

FINDINGS OF FACT

1. Central Telephone & Utilities Corporation, of which Southern Colorado Power is a division, is a corporation organized and existing under and by virtue of the laws of the State of Kansas. The principal place of business of Southern Colorado Power Division is 115 West 2nd Street, Pueblo, Colorado. Said company is a public utility subject to the jurisdiction and regulation of the Commission and in Colorado is engaged in the business, among other things, of the generation, distribution and sale of electric energy in various portions of Southern Colorado and particularly in the Counties of Fremont, Custer, Pueblo, Teller, Otero and Crowley. Southern Colorado Power's Certificate of Incorporation, together with all amendments thereto have been heretofore filed with the Commission.

2. Sangre De Cristo is a corporation organized and existing under and by virtue of the laws of the State of Colorado; the principal office of Sangre De Cristo is located in Buena Vista, Colorado, and the post office address is P. O. Drawer "J", Buena Vista, Colorado 81211. Said company is a public utility subject to the jurisdiction or regulation of this Commission and is engaged in the business of the sale and distribution of electric energy in the Counties of Lake, Chaffee, Saguache, Custer, and Fremont, in Colorado. Sangre De Cristo's Certificate of Incorporation, together with all amendments thereto have heretofore been filed with the Commission.

3. In the general area of the territory involved in these proceedings Southern Colorado Power presently has franchises to serve the Towns of Westcliffe and Silver Cliff and by Decision of the Commission (No. 58471, dated April 26, 1962, and Decision No. 57576, dated November 24, 1961), Southern Colorado Power was granted Certificates of Public Convenience and Necessity to serve these two communities and areas contiguous thereto.

4. By the Commission's Decision No. 75556, dated August 7, 1970, as amended by Supplemental Order (Decision No. 75601, dated August 28, 1970), Southern Colorado Power was granted the exclusive right to render electric service to certain additional areas in Custer County, Colorado.

5. On August 7, 1970, by Decision No. 75555, Sangre De Cristo Electric Association, Inc., was granted a Certificate of Public Convenience and Necessity to render exclusive electric service in certain areas situate in the Counties of Custer and Fremont, State of Colorado, which Certificate includes the following-described territories located in Custer County, Colorado.

The West $\frac{1}{2}$ of Section 6, the West $\frac{1}{2}$ of Section 7, and the West $\frac{1}{2}$ of Section 18, all in Township 22 South, Range 72 West of the 6th P.M.

Said area above described is shaded in red on the map attached to Application No. 30482-Amended, and marked Exhibit "1" and made a part thereof by reference. Said area above described is also shaded in red on the map attached to Application No. 30549-Amended, and marked Exhibit "A", and made a part thereof by reference.

6. Southern Colorado Power in its Application No. 30482-Amended, has applied for an exclusive certificate of public convenience and necessity to serve the area described in Findings of Fact No. 5, above.

Sangre De Cristo is willing to relinquish its right to serve the area described in Finding of Fact No. 5 above and has consented that the area be certificated to Southern Colorado Power. A copy of said Relinquishment and Consent is attached to Application No. 30482-Amended, and is marked Exhibit 2.

7. By Decision No. 75556, dated August 6, 1970, as amended by Supplemental Order (Decision No. 75601, dated August 28, 1970), Central Telephone and Utilities Corporation of which Southern Colorado Power is a division, was granted the exclusive right to render electric service to certain additional areas in Custer County, Colorado, including Section 15, Section 22, and that portion of Block 15, Silver Cliff Heights Subdivision, according to the recorded plat thereof, on file in the records of Custer County, State of Colorado, located in the South one-half of Section 10, all in Township 21 South, Range 71 West of the 6th P.M. Said area is shown in green on the plat, a copy of which is attached to the amended Application No. 30549-Amended, and marked Exhibit "B" and made a part of Application No. 30549-Amended by reference. Said area above described is also shown in green on the plat which is attached to Application No. 30482-Amended, and marked Exhibit "3" and made a part of Application No. 30482-Amended by reference.

8. Sangre De Cristo has applied for an exclusive certificate of public convenience and necessity to serve the area particularly described in Finding of Fact No. 7, above. Southern Colorado Power is willing to relinquish its right to serve the area described in Finding of Fact No. 7, above, and has consented that the area be certificated to Sangre De Cristo. A copy of said Relinquishment and Consent is attached to Application No. 30549-Amended, and is marked Exhibit "C".

9. Both Southern Colorado Power and Sangre De Cristo are prepared to extend their respective plant, lines and facilities into the territories for which each of them have applied. Both Southern Colorado Power and Sangre De Cristo have adequate employees and personnel to perform the services which each of them has proposed and each of them is financially able to perform and conduct their operation at a profit. Each of them is in compliance with the laws of the State of Colorado and this Commission's Rules and Regulations.

CONCLUSIONS ON FINDINGS OF FACT

Application No. 30482-Amended and Application No. 30549-Amended, which provide for an exchange of territory between Southern Colorado Power and Sangre De Cristo, thereby avoiding further duplication of facilities of the same and further expense to the public in general, are in the public interest and should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Sangre De Cristo Electric Association, Inc., be, and hereby is, authorized to delete from its certificated area in which it presently renders electrical service the following-described territories located in Custer County, Colorado:

The West $\frac{1}{2}$ of Section 6, the West $\frac{1}{2}$ of Section 7, and the West $\frac{1}{2}$ of Section 18, all in Township 22 South, Range 72 West of the 6th P.M.

Central Telephone and Utilities Corporation, Southern Colorado Power Company Division, be, and hereby is, authorized to delete from its certificated area in which it presently renders electrical service the following-described territories located in Custer County, Colorado:

Section 15, Section 22 and that portion of Block 15, Silver Cliff Heights Subdivision, according to the plat thereof on file in the records of the County of Custer, State of Colorado, located in the South $\frac{1}{2}$ of Section 10, all in Township 21 South, Range 71 West of the 6th P.M.

2. Sangre De Cristo Electric Association, Inc., be, and hereby is, authorized to render exclusive electric service in certain areas in Custer County, Colorado, to wit:

Section 15, Section 22 and that portion of Block 15, Silver Cliff Heights Subdivision, according to the plat thereof on file in the records of the County of Custer, State of Colorado, located in the South $\frac{1}{2}$ of Section 10, all in Township 21 South, Range 71 West of the 6th P.M.,

and the decision and order herein shall be a Certificate of Public Convenience and Necessity therefor.

3. Henceforth the full Certificate of Public Convenience and Necessity of Sangre De Cristo Electric Association, Inc., shall be as follows:

Beginning at a point on the Lake County-Chaffee County Line, said point being the Southwest corner of Section 30, Township 11 South, Range 81 West of the 6th Principal Meridian; thence northerly along section lines to the Northwest corner of Section 19, in said Township and Range; thence easterly along section lines to the Southwest corner of Section 13, said Township and Range; thence northerly along section lines to the west $\frac{1}{4}$ corner of Section 1, said Township and Range; thence easterly along section east-west centerlines to the west $\frac{1}{4}$ corner of Section 3, Township 11 South, Range 80 West of the 6th Principal Meridian; thence northerly along section lines to the Northwest corner of said Section 3; thence easterly to the south $\frac{1}{4}$ corner of the Southwest $\frac{1}{4}$ of Section 34, Township 10 South, Range 80 West; thence northerly along north-south half section center lines to the northwest $\frac{1}{4}$ corner of the Northwest $\frac{1}{4}$ of Section 27, said Township and Range; thence easterly along section lines to the South $\frac{1}{4}$ corner of the Southeast $\frac{1}{4}$ of Section 22 said Township and Range; thence northerly along the north-south centerline to the north $\frac{1}{4}$ corner of the said Southeast $\frac{1}{4}$; thence easterly to the east $\frac{1}{4}$ corner of said Section 22; thence northerly along section lines to the northwest corner of Section 11, Township 10 South, Range 80 West of the 6th Principal Meridian; thence easterly along section lines to the Southwest corner of Section 6, Township 10 South, Range 79 West of the 6th Principal Meridian; thence northerly to the west $\frac{1}{4}$ corner of said Section 6; thence easterly along the east-west section centerline to the east $\frac{1}{4}$ corner of said Section 6; thence southerly to the northwest corner of Section 8, said Township and Range; thence easterly to the north $\frac{1}{4}$ corner of said Section 8; thence southerly along the north-south section centerline to the south $\frac{1}{4}$ corner of said Section 8; thence westerly along section lines to the northeast corner of Section 13, Township 10 South, Range 80 West of the 6th Principal Meridian; thence southerly to the southeast corner of Section 36, said Township and Range; thence westerly to the northeast corner of Section 1, Township 11 South, Range 80 West of the 6th Principal Meridian; thence southerly to the east $\frac{1}{4}$ corner of said Section 1; thence easterly along section east-west centerlines to a point on the Lake-Park County Line; thence southerly along said Lake-Park County Line to the Chaffee-Park County Line; thence southerly along said Chaffee-Park County Line to the Chaffee-Park-Fremont County Line; thence easterly along said Park-Fremont County Line to the northeast corner of Section 3, Township 16 South, Range 73 West of the 6th Principal Meridian; thence south to the southeast corner of Section 10, Township 16 South, Range 73 West of the 6th Principal Meridian; thence easterly along section lines to the northeast corner of Section 14, Township 16 South, Range 72 West of the 6th Principal Meridian; thence southerly along section lines to the southeast corner of Section 14, Township 17 South, Range 72 West of the 6th Principal Meridian; thence westerly along section

lines to the southwest corner of Section 15, Township 17 South, Range 72 West of the 6th Principal Meridian; thence South $12\frac{1}{2}$ miles in an unsurveyed area; thence east $3\frac{1}{2}$ miles more or less to the northeast corner of Section 25, Township 19 South, Range 72 West of the 6th Principal Meridian; thence southerly along the Range line to the southeast corner of Township 20 South, Range 72 West of the 6th Principal Meridian; thence west along the Township line to the northeast corner of Township 21 South, Range 73 West of the 6th Principal Meridian; thence south along the Range line to the southeast corner of Section 13, Township 22 South, Range 73 West; thence east to the north $\frac{1}{4}$ corner of Section 19, Township 22 South, Range 72 West; thence south along the half section lines to the north $\frac{1}{4}$ corner of Section 30, Township 22 South, Range 72 West of the 6th Principal Meridian; thence east along the north line of Sections 30 and 29 to the easterly boundary of Colorado State Highway No. 69; thence southeasterly along said easterly Highway boundary to the east-west centerline of Section 29, Township 22 South, Range 72 West of the 6th Principal Meridian; thence easterly along the east-west centerlines of said Section 29, Sections 28, 27, 26 and 25, all in said Township and Range, and continuing easterly along the east-west centerline of Section 30, Township 22 South, Range 71 West of the 6th Principal Meridian to the east $\frac{1}{4}$ corner of said Section 30; thence northerly along the west line of Section 29, 20, 17 and 8, all in said Township 22 South, Range 71 West to the northwest corner of said Section 8; thence easterly along the north line of said Section 8 to the northeast corner of said Section 8; thence northerly along the west line of Section 4 of said Township and Range, and continuing northerly along the west line of Section 33, Township 21 South, Range 71 West of the 6th Principal Meridian to the northwest corner of said Section 33; thence easterly along the north line of said Section 33 to the northeast corner of said Section 33; thence northerly along the west line of Sections 27, 22 and 15, said Township and Range, to include that portion of Block 15, Silver Cliff Heights Subdivision located in the south $\frac{1}{2}$ of Section 10, said Township and Range; thence easterly along the north line of said Block 15 to the west line of Section 11, said Township and Range; thence northerly along the west line of Section 11, said Township and Range, to the northwest corner of said Section 11; thence easterly along the north line of said Section 11 to the north $\frac{1}{4}$ corner of said Section 11; thence northerly along the north/south centerline of Section 2, said Township and Range to the north $\frac{1}{4}$ corner of said Section 2; thence easterly along Township lines to the northeast corner of said Township 21 South, Range 70 West, of the 6th Principal Meridian; thence southerly along the east line of said Township and Range to the southeast corner of said Township 21 South, Range 70 West, and continuing southerly along the east line of Section 1 and 12, in Township 22 South, Range 70 West of the 6th Principal Meridian to the southeast corner of said Section 12; thence westerly along the south lines of said Section 12, said Sections 11 and 10 of said Township and Range, to the southwest corner of said Section 10; thence southerly along the east lines of Sections 16, 21, 28, and 33 to the Southeast corner of Section 33, Township 22 South, Range 70 West of the 6th Principal Meridian; thence westerly along the south line of said Township to the southwest corner of said Township; thence southerly along the West line of Range 70 West to the Custer-Huerfano County line; thence westerly along the Custer-

Huerfano County line to the Saguache-Custer County line; thence northwesterly along the Saguache-Custer County line to the Saguache-Fremont County line; thence northwesterly along the Saguache-Fremont County line to a point on the west line of Section 25, Township 48 North, Range 9 East of the New Mexico Principal Meridian; thence northerly along the section lines to the Northwest Corner of Section 1, Township 48 North, Range 9 East of the New Mexico Principal Meridian; thence westerly along the Township line to the Southwest corner of Section 36, Township 49 North, Range 9 East of the New Mexico Principal Meridian; thence northerly to a point on the west line of Section 12, Township 49 North, Range 9 East of the New Mexico Principal Meridian and the Chaffee-Fremont County line; thence northeasterly along the Chaffee-Fremont County line to the north line of Section 17, Township 50 North, Range 10 East of the New Mexico Principal Meridian; thence westerly along section lines to the north $\frac{1}{4}$ corner of Section 13, Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence southerly along half section lines to the south $\frac{1}{4}$ corner of the said Section 13; thence easterly along Section lines to the Northeast corner of Section 24, Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence southerly to the west $\frac{1}{4}$ corner of Section 19, Township 50 North, Range 9 East of the New Mexico Principal Meridian; thence easterly along half section lines to the Northeast corner of the Southwest $\frac{1}{4}$ of Section 21, Township 50 North, Range 9 East of the New Mexico Principal Meridian; thence southerly to the Southeast corner of the Northwest $\frac{1}{4}$ of Section 28, thence westerly along half section lines to the Southeast corner of the Northeast $\frac{1}{4}$, Section 29; thence continuing westerly along half section lines a distance of 2300 feet; thence north 380 feet more or less to the centerline of Ute Creek; thence southwestwardly along the centerline of the said Ute Creek to a point of intersection with the south boundary of the Northwest $\frac{1}{4}$ of said Section 29; thence westerly along half section lines to the west $\frac{1}{4}$ corner of said Section 29; thence southerly along section lines to the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30, Township 50 North, Range 9 East of the New Mexico Principal Meridian; thence west along the fractional section line to the main line of the D & RGW Railroad; thence northwesterly along said railroad centerline to the Smelter switch near the Southeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 30; thence westerly along the north boundary of the Smelter Spur of the D & RGW to the intersection with Chaffee County Road No. 150; thence westerly along the said County Road No. 150 to its intersection with a straight line between Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 30, and the Northwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 25, Township 50 North, Range 8 East; thence northwest along said line to said Northwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 25;

thence southerly to the Northeast corner, Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 25; thence westerly along half section lines to the west $\frac{1}{2}$ corner of the said Section 25; thence southerly along section lines to the Southeast corner of Section 26, said Township and Range; thence westerly to the north $\frac{1}{2}$ corner of Section 34, said Township and Range; thence southerly along half section lines to the east $\frac{1}{2}$ corner of the Southwest $\frac{1}{4}$ of said Section 34; thence westerly along quarter section center lines to the west $\frac{1}{2}$ corner of the Southwest $\frac{1}{4}$ of Section 33, Township 50 North, Range 8 East; thence northerly along section lines to the northwest corner of Section 16, Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence westerly along section lines to the northwest corner of Section 18, said Township and Range; thence northerly along the Range line to the Northwest corner of Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence westerly along the north line of Township 50 North to the Chaffee-Gunnison County line; thence northerly along the Chaffee-Gunnison County line to the Southwest corner of Section 10, Township 13 South, Range 80 West of the 6th Principal Meridian; thence northerly along section lines to the Northwest corner of Section 34, Township 11 South, Range 80 West of the 6th Principal Meridian being on the Lake-Chaffee County line; thence westerly along the Lake-Chaffee County line to the point of beginning.

Beginning at a point which is the Northwest corner of Section 8, Township 10 South, Range 80 West of the 6th Principal Meridian; thence easterly along section lines to the Northeast corner of the said Section 8; thence southerly to the west $\frac{1}{2}$ corner of the Northwest $\frac{1}{4}$ of Section 9; thence easterly along the east-west center line of the North $\frac{1}{2}$ of Section 9 to the east $\frac{1}{2}$ corner of the Northeast $\frac{1}{4}$ of said Section 9; thence southerly along section lines to the east $\frac{1}{2}$ corner of the Southeast $\frac{1}{4}$, Section 21; thence westerly along the east-west center line to the west $\frac{1}{2}$ corner of the said Southeast $\frac{1}{4}$, thence southerly to the south $\frac{1}{2}$ corner of the said Section 21; thence westerly along section lines to the Southwest corner of Section 20; thence northerly along section lines to the point of beginning.

Beginning at the northwest corner of Section 31, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence easterly along section lines to the south $\frac{1}{2}$ corner of Section 29, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence northerly along the north-south section centerline to the north $\frac{1}{2}$ corner of said Section 29; thence easterly along section lines to the northeast corner of Section 28, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence southerly along section lines to the southeast corner of Section 33, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence westerly along section lines to the northeast corner of Section 5, Township 48 North, Range 8 East of the New Mexico Principal Meridian; thence southerly to the southeast corner of said Section 5; thence westerly to the northeast corner of Section 7, Township 48 North, Range 8 East of

the New Mexico Principal Meridian; thence southerly along section lines to the southeast corner of Section 19, Township 48 North, Range 8 East of the New Mexico Principal Meridian; thence westerly to the southwest corner of said Section 19; thence northerly along the section line to the southerly line of Homestead Entry Survey No. 55, as described in patent recorded in Book 156 at page 171 of the Records of Saguache County, Colorado, lying within Section 24, 25, and 26 of Suspended Township 48 North, Range 7 East of the New Mexico Principal Meridian; thence westerly along the southerly lines of said Homestead Entry Survey No. 55 to corner no. 5 of said Homestead Entry; thence northerly to corner no. 6 of said Homestead Entry; thence easterly along the northerly lines of said Homestead Entry to the west line of said Section 19, Township 48 North, Range 7 East of the New Mexico Principal Meridian; thence northerly along section lines to the northwest corner of Section 6, Township 48 North, Range 8 East of the New Mexico Principal Meridian; thence easterly along the section line to the southwest corner of Section 31, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence northerly along the section line to the point of beginning.

4. Central Telephone and Utilities Corporation, Southern Colorado Power Company Division, be, and hereby is, authorized to render exclusive electric service in certain areas in Custer County, Colorado, to wit:


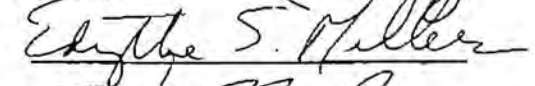
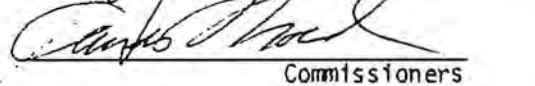
The West $\frac{1}{2}$ of Section 6, the West $\frac{1}{2}$ of Section 7, and the West $\frac{1}{2}$ of Section 18, all in Township 22 South, Range 72 West of the 6th P.M.

and the decision and order herein shall be a Certificate of Public Convenience and Necessity therefor.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of May, 1978.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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