

Decision No. C03-0046

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02L-654G

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER AUTHORIZING IT TO EFFECT CERTAIN REVISIONS IN ITS GENERAL RATE SCHEDULE ADJUSTMENT RIDERS UPON LESS THAN STATUTORY NOTICE.

**DECISION DENYING AMENDMENT TO
APPLICATION AND MOTION FOR APPROVAL
OF CORRECTED RATE SUMMATION SHEETS
EFFECTIVE JANUARY 1, 2003 *NUNC PRO TUNC***

Mailed Date: January 13, 2003

Adopted Date: January 8, 2003

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. This matter comes before the Commission upon the Amendment to Application and Motion for Approval of Corrected Rate Summation Sheets Effective January 1, 2003 *Nunc Pro Tunc* filed by Public Service Company of Colorado (Public Service) on December 30, 2002.

2. By Decision No. C02-1448, issued December 30, 2002, the Commission granted the Application for an Order Authorizing it to Revise its General Rate Schedule Adjustment (GRSA) Riders Upon Less Than Statutory Notice filed by Public Service on December 16, 2002. In that decision, the Commission directed Public Service to file its new tariffs with the Commission on not less than one day's notice, to be effective January 1, 2003. Public Service filed the new tariff sheets, decreasing its GRSA riders to reflect the elimination of certain

amortized costs, as had been previously directed by an earlier Commission decision. Those tariff sheets are currently effective.

3. In its Amendment and Motion, Public Service seeks to further amend certain of the Rate Summation Sheets that went into effect on January 1, 2003, and to have those new amendments also be effective January 1, *nunc pro tunc*. Public Service asserts that Rate Summation Sheet Nos. 10A, 11, 11A, and 11B incorrectly reflect a cessation of Public Service's Y2K rider. Public Service urges that it is the component parts of the rate structure, *i.e.*, the GRSA riders, themselves, that were approved by the Commission via Decision No. C02-1448, and not the Rate Summation Sheets. Hence, the company seeks to "amend" or "correct" mathematical errors that resulted in the sum of the *parts* (*i.e.*, the GRSA found in pages 48 and 49) not equaling the *whole* (*i.e.*, the Rate Summation Sheets found in pages 10, 11, 11A, and 11B), and to do so in a retroactive fashion.

4. Unfortunately, *all* the tariff pages filed pursuant to Decision No. C02-1448—10, 11, 11A, 11B, 48, and 49—are treated equally by the Commission, and by law. When a utility wishes to amend *any portion* of its tariff, it may either do so by filing such amendment upon 30 days' notice, or it may do so by filing such amendment, along with an application for approval of a less-than-30-day, or "less-than-statutory," notice period. § 40-6-111(2)(a), C.R.S.

5. So, while Public Service claims to only seek a "correction" of its tariff sheets, we find that this type of amendment, as with *any* amendment to a tariff, must be pursued via the channels directed by § 40-6-111, C.R.S., and Commission rules. We hence determine that this filing made by Public Service on December 30, 2002 is the improper forum for seeking to amend

a currently effective tariff, and therefore deny the Amendment to Application and Motion.¹ Along these lines, we urge Public Service that, should it seek to change or correct the Rate Summation Sheets on pages 10, 10A, 11, and 11A of its tariff, it should do so by making the appropriate tariff-amending filings with the Commission pursuant to Commission rules and § 40-6-111, C.R.S.

II. ORDER

A. The Commission Orders That:

1. The Amendment to Application and Motion for Approval of Corrected Rate Summation Sheets Effective January 1, 2003 *Nunc Pro Tunc* filed by Public Service Company of Colorado on December 30, 2002 is denied.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the Mailed Date of this Decision.

3. This Order is effective on its Mailed Date.

¹ We further note the questionable appropriateness of a request to amend any tariff *nunc pro tunc*, but, having determined that an *ex post facto* amendment to a currently effective tariff is an inappropriate filing, we need not reach the question of the request to backdate.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 8, 2003.**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

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Commissioners

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