

Decision No. C03-0146

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03S-052W

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY LAKE DURANGO WATER COMPANY WITH ADVICE LETTER NO. 10 - WATER.

DOCKET NO. 02A-629W

IN THE MATTER OF THE APPLICATION OF LAKE DURANGO WATER COMPANY FOR AN ORDER AUTHORIZING LAKE DURANGO WATER COMPANY CURTAILMENT OF ANY SERVICES DUE TO PREVIOUS COMMITMENTS/CONTRACTS.

**ORDER SUSPENDING EFFECTIVE DATE OF TARIFFS,
ASSIGNMENT TO ADMINISTRATIVE LAW JUDGE FOR
HEARING, AND ORDER OF CONSOLIDATION**

Mailed Date: February 10, 2003

Adopted Date: February 5, 2003

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. On January 13, 2003, Lake Durango Water Company (Lake Durango), filed Advice Letter No. 10 - Water, (attached as Exhibit 1).

2. Lake Durango stated that the purpose of this filing is to implement an Automatic Water Curtailment Plan that was previously approved as a "Temporary" Water Curtailment plan

and to change rates and fees. Lake Durango requested that the tariffs accompanying Advice Letter No. 10 - Water become effective on no less than 30 days' statutory notice or, in this instance, on March 15, 2003.

3. Under § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariffs for hearing which will suspend their effective date for 120 days. Section 40-6-111(1), C.R.S., also provides that the Commission may, in its discretion, by separate order, suspend the effective date of the tariffs for an additional 90 days. Thus, the Commission has the power and authority to suspend the effective date of the tariffs for a maximum of 210 days or, in this docket, until October 11, 2003. If the Commission does not establish new rates before the expiration of the first suspension period of 120 days, or July 13, 2003, the tariffs filed by Lake Durango will become effective by operation of law. If the Commission further suspends, by separate order, the effective date of the tariffs for an additional 90 days, and if no new rates are established by the Commission on or before October 11, 2003, the tariffs filed by Lake Durango will become effective by operation of law.

B. Findings of Fact

4. The Commission will set the proposed tariffs for hearing and will suspend their effective date in order to determine whether the rates contained in the tariffs are just and reasonable.

5. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariffs shall not allow participation as an intervenor in this matter.

C. Order of Consolidation

6. The matters raised in Lake Durango's Advice Letter No. 10 - Water are related to issues raised in Docket No. 02A-629W, Lake Durango's Application for curtailment of new services. That Application was filed on December 9, 2002 and has been assigned to an Administrative Law Judge (ALJ) for hearing. Because the issues raised in Advice Letter No. 10 - Water and the Application are closely related, we now consolidate Docket No. 02A-629W with this docket. This consolidated matter is assigned to an ALJ for hearing. The ALJ shall establish a procedural schedule in these consolidated cases, including the dates for hearing.¹

II. ORDER**A. The Commission Orders That:**

1. The effective date of the tariffs filed by Lake Durango Water Company, on January 13, 2003, with Advice Letter No. 10 - Water, is suspended for 120 days until July 13, 2003, or until further Order of the Commission.

2. The tariffs filed by Lake Durango Water Company, with Advice Letter No. 10 - Water, will be set for hearing before an Administrative Law Judge for the Commission.

3. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariffs, who desire to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission within 30 days after the mailing

¹ We recognize that formal proceedings may have a significant and adverse financial impact on small utilities and interested parties. Although we find it appropriate to set this matter for hearing, we strongly encourage the parties to cooperate with one another to reduce or eliminate the burden of these formal proceedings on all participants (*e.g.*, through negotiations to resolve issues raised in these cases).

date of this Decision, and shall serve a copy of the motion on Lake Durango Water Company's attorney of record.

4. This docket is consolidated with Docket No. 02A-629W for further proceedings. The Administrative Law Judge shall set the procedural schedule for the consolidated cases, including the dates for hearing.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 5, 2003.**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

Commissioners

COMMISSIONER JIM DYER RECUSED
HIMSELF.