

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03L-140E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF  
COLORADO TO INCREASE THE INTERIM ADJUSTMENT CLAUSE ON LESS THAN  
30 DAYS NOTICE.

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**DECISION GRANTING APPLICATION  
FOR ALTERNATIVE NOTICE AND  
WAIVER OF RESPONSE TIME**

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Mailed Date: April 16, 2003  
Adopted Date: April 16, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On April 9, 2003, Public Service Company of Colorado (Public Service) filed its Application for Approval of Alternative Manner of Notice and Request for Waiver of Response Time. In its application, Public Service seeks approval of an alternative manner of giving notice to the public of proposed new rates.

2. The proposed form of customer notice was included with the application as Attachment 1. Public Service proposes that the notice be published in the legal notice sections of both *The Denver Post* and *The Denver Rocky Mountain News*.

3. Public Service has filed a separate application in this docket seeking to increase its Interim Adjustment Clause (IAC) on Less-than-Statutory Notice (LSN) (*i.e.*, on less than 30 days' notice to the Commission and the public). Under the LSN statute (§ 40-3-104(2), C.R.S.) and Commission Rule 41.5, 4 *Code of Colorado Regulations* 723-1, a fixed utility is required to publish the LSN application in a newspaper of general circulation within three days

of making the LSN filing with the Commission. Public Service did not meet that requirement, but instead filed the application for alternative notice. Notably, the form of alternative notice suggested by Public Service is the same type of customer notice required under Rule 41.5.

4. In support of the request for alternative notice, Public Service states that its customers were notified that the Company was proposing in Docket No. 02S-315EG a new adjustment clause to recover the Company's 2003 Energy Costs. The proposed LSN rates in this docket are the result of a settlement between the parties in Docket No. 02S-315EG. Therefore, Public Service contends that its suggested notice here is adequate to notify the public of its proposed changes to the IAC in this docket.

## **B. Findings**

5. Public Service's proposed alternative customer notice is consistent with the notice requirements set forth in Rule 41.5.

6. The Commission finds good cause exists to approve the alternative manner of notice and the request for waiver of response time. Public Service shall take the steps necessary to have its proposed notice published no later than the April 19, 2003 editions of *The Denver Post* and *The Denver Rocky Mountain News*. Public Service shall file an affidavit of publication in this docket no later than 30 days following publication consistent with Rule 41.5.5.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Application by Public Service Company of Colorado for Approval of Alternative Manner of Notice and Request for Waiver of Response Time is granted consistent with the above discussion.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 16, 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

JIM DYER

Commissioners