

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

DOCKET NO. 03A-166FEG

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER GRANTING TO IT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE TOWN OF FRUITA, COLORADO.

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**DECISION GRANTING APPLICATION  
TO EXERCISE FRANCHISE RIGHTS**

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Mailed Date: May 19, 2003  
Adopted Date: May 16, 2003

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

1. On April 23, 2003, Public Service Company of Colorado (Public Service or Company) filed an application seeking a Commission order granting it a certificate of public convenience and necessity to exercise franchise rights in the City of Fruita, Colorado (Fruita or City).

2. The Commission first noticed this application to all interested persons, firms, and corporations on April 25, 2003. No petition to intervene or notice of intervention has been filed, and the application is uncontested. Accordingly, the application will be determined without a formal hearing, in accordance with § 40-6-109(5), C.R.S., and Rule 24 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

3. Public Service is a Colorado corporation operating as a public utility subject to the jurisdiction of the Commission and is engaged in, *inter alia*, the generation, transmission, purchase, distribution, and sale of electricity and the purchase, distribution, transportation, and

sale of natural gas in various areas in the State of Colorado. All operations to be conducted by Public Service under the certificate of public convenience and necessity sought in the instant application shall be under the name of Public Service Company of Colorado.

4. Public Service requests that the Commission issue an order granting to it a certificate of public convenience and necessity to exercise franchise rights in Fruita, in accordance with the franchise agreement approved by the Fruita City Council on September 17, 2002 as Ordinance No. 2002-20.

5. The franchise is for a period of 20 years, up to and including September 17, 2022, at a rate of 3 percent of all revenues received by the Company from the sale of electricity and 3 percent of all revenues received by the Company from the sale and transportation of gas to its customers within the City, excluding revenues received from the sale of electricity and gas to the City of Fruita.

6. The names of public utilities and other entities of like character providing similar services in or near the area involved in this application are Mesa County REA and K N Energy. The public convenience and necessity require approving the exercise of franchise rights granted by Fruita.

7. Public Service has been providing electric and gas service to residents of Fruita pursuant to Ordinance No. 371, adopted October 10, 1975, as amended by Ordinance No. 1985-12, adopted on May 30, 1985, as amended by Ordinance No. 1989-12, adopted on September 25, 1989.

8. Public Service's electric and gas tariffs, currently on file with the Commission, will be applicable to service provided pursuant to the grant of this application.

9. Public Service has the financial ability and is qualified and competent to conduct the utility operations sought under its application.

10. The Commission finds that the application is in the public interest and should be granted.

## II. ORDER

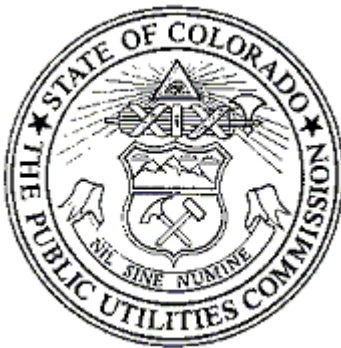
### A. The Commission Orders That:

1. The application by Public Service Company of Colorado for a certificate of public convenience and necessity to exercise franchise rights in the City of Fruita, Colorado is deemed complete and granted.

2. This Decision is effective on its Mailed Date.

### B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING May 16, 2003.**

(SEAL)



ATTEST: A TRUE COPY

*Bruce N. Smith*

**Bruce N. Smith  
Director**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

**POLLY PAGE**

**JIM DYER**

Commissioners