

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

DOCKET NO. 03D-161W

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IN THE MATTER OF THE PETITION FOR A DECLARATORY ORDER FROM THE COMMISSION THAT THE TRANSFER OF THE CAPITAL STOCK OF CASCADE TOWN COMPANY, A COLORADO CORPORATION WHICH OWNS ALL OF THE CAPITAL STOCK OF CASCADE PUBLIC SERVICE COMPANY DOES NOT REQUIRE THE APPROVAL OF THE COMMISSION PURSUANT TO C.R.S §40-5-05 AND 4 CCR 723-1-55.

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**ORDER SETTING PREHEARING CONFERENCE**

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Mailed Date: June 13, 2003  
Adopted Date: June 11, 2003

**I. BY THE COMMISSION**

**A. Statement and Discussion**

1. On April 21, 2003, Cascade Public Service Company (Cascade) filed an application seeking a declaratory order of this Commission that the transfer of the capital stock of Cascade Town Company, a Colorado corporation which owns all of the capital stock of Cascade, does not require the approval of the Commission pursuant to § 40-5-105, C.R.S., and 4 *Code of Colorado Regulations* 723-1-55.

2. On May 30, 2003, Staff of the Commission (Staff) filed its notice of intervention. In its notice of intervention, Staff stated that, at this juncture, it anticipates raising issues relating to the legal and policy implications regarding Cascade's request.

3. At the Commissioners' Weekly Meeting of June 11, 2003, the Commission deemed the application complete by minute entry and set the matter for hearing based on Staff's intervention. Due to the potential policy implications of Cascade's request, the Commission will consider the Petition itself, instead of assigning this matter to an Administrative Law Judge.

4. It appears from the present record that any factual disputes concerning the Petition will be limited, and that the major issues of controversy between the parties will be issues of law. Consequently, we direct the parties to file by June 30, 2003, a list of both undisputed and disputed facts in this case.

5. The Commission will conduct a prehearing conference on July 1, 2003, to set the remaining procedural schedule in this docket. The parties should come prepared to discuss whether an evidentiary hearing is necessary in this case, or whether this matter may be decided based upon legal briefs and oral argument of the parties.

## **II. ORDER**

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

1. The parties shall file by June 30, 2003, a list both undisputed and disputed facts in this case.

2. A prehearing conference shall be held at the following time and place:

DATE: July 1, 2003

TIME: 1:30 p.m.

PLACE: Commission Hearing Room  
1580 Logan Street, Office Level 2  
Denver, Colorado

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 11, 2003.**

(S E A L)



**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