

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-241FE

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 PEETZ, COLORADO.

**DECISION GRANTING APPLICATION
TO EXERCISE FRANCHISE RIGHTS**

Mailed Date: June 30, 2003
Adopted Date: June 25, 2003

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On June 4, 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 Town of Peetz, Colorado (Peetz or Town).

2. The Commission noticed the application on June 6, 2003 to all interested persons, firms, and corporations. Additionally, Public Service caused a notice of application to be published in the *Sterling Journal-Advocate* on June 4, 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* 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 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 Peetz, in accordance with the franchise agreement approved by the Town on March 10, 2003 in Ordinance No. 3-2003.

5. The franchise agreement is granted for a period of one year, expiring April 8, 2004. Terms of the franchise agreement provide for Public Service to pay to the Town a sum equal to 3 percent of the gross revenues received from the sale of electricity within the corporate limits of the Town, excluding all amount paid to the Company by the Town for electric services.

6. Logan County REA, and KN Energy are other public utilities or other entities of like character providing similar services in or near the area involved in this application.

7. Public Service has been providing electric services to residents of the Town pursuant to a franchise agreement dated March 6, 1978. This application further extends the expiration date of the prior 25-year agreement.

8. Public Service's electric tariffs, currently on file with the Commission, will be used for service under 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

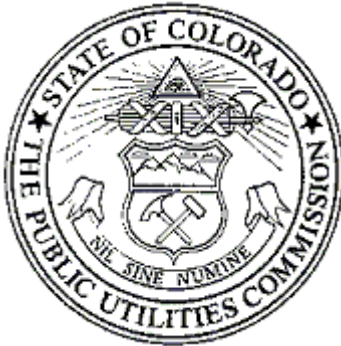
A. The Commission Orders That:

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

2. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING** **June 25, 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

POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.