

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02S-315EG

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO ADVICE LETTER NO. 1373 – ELECTRIC, ADVICE LETTER NO. 593 – GAS, AND ADVICE LETTER NO. 80 - STEAM.

ORDER REJECTING SELECTED TARIFF SHEETS

Mailed Date: July 3, 2003

Adopted Date: July 3, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. This matter comes before the Commission to consider rejection of certain tariff sheets filed by Public Service Company of Colorado (Company) on June 30, 2003. As stated below, the Company filed those tariff sheets as compliance filings in accordance with Decision No. C03-0670. However, certain tariff sheets contained in the June 30, 2003 filing fail to comply with our prior decision. Therefore, we reject the tariff sheets specified below. We now clarify that those tariff sheets did not become effective on July 1, 2003, as contemplated in the Company's June 30, 2003 filing. The Company is ordered to file new tariff sheets to comply with Decision No. C03-0670.

2. In Docket No. 03L-140E, the Company provided two sets of Interim Adjustment Clause (IAC) factors for the recovery of its 2003 energy costs. The first set of factors reflected recovery based on a May 1, 2003 start date. The second set of factors reflected recovery based on a July 1, 2003 start date. By Decision No. C03-0444, the Commission approved the May 1, 2003

set of IAC factors. Decision No. C03-0670 affirmed the IAC rates approved in Docket No. 03L-140E.

3. On June 30, 2003, the Company filed compliance tariff sheets in accordance with Decision No. C03-0670, specifically Advice Letter No. 1397 – Electric, Advice Letter No. 612 – Gas, and Advice Letter No. 85 - Steam. Review of those tariff sheets associated with Advice Letter No. 1397 – Electric revealed an error regarding the IAC factors. On tariff sheet nos. 23 and 114B, the Company inadvertently included the set of IAC factors based on the July 1, 2003 start date, instead of the May 1, 2003 start date.

4. When alerted of this error, the Company filed Amended Advice Letter No. 1397 – Electric on July 1, 2003 with a new tariff sheet 114B to be effective that same day. In the Amended Advice Letter, the Company states that customers will not be affected by the Amended Advice Letter, as no customers were billed under the IAC as filed in Advice Letter No. 1397 dated June 30, 2003. On July 2, 2003, the Company filed Second Amended Advice Letter No. 1397 – Electric with a new tariff sheet no. 23 to be effective that same day. In that filing, the Company states that customers will not be affected by the Second Amended Advice Letter because it reflects the currently effective rates pursuant to Decision No. C03-0670.

5. It has not been the Commission's past practice to allow a utility to file a tariff sheet on the same day it is to be effective because it does not allow any time for the Commission and Commission Staff to review those tariff sheets prior to the new tariffs going into effect. In reality, the filing of proposed tariff sheets on the day they are to become effective gives no notice of new tariff provisions to the Commission. Moreover, Decision No. C03-0670 ordered the Company to file new tariffs **on not less than one day's** notice to the Commission. Thus, the

Commission will not accept the July 1, 2003 or July 2, 2003 Amended Advice Letter filings to correct the errors in the June 30, 2003 tariff filing.

6. The Company's IAC tariff sheets prior to this compliance filing was only a single page, sheet no. 114. The new IAC tariff sheets associated with Advice Letter No. 1397 – Electric encompass three tariff sheets: 114, 114A, and 114B. Sheets 114 and 114A have various definitions and descriptions for the calculation of IAC costs, while sheet 114B is the IAC rate sheet. The Commission will not accept tariff sheet nos. 114 and 114A because it would result in no IAC rate in effect (the current IAC rate sheet would be superseded by a definitional rate sheet), in light of our rejection of the incorrect IAC rate on page 114B.

7. The IAC rates included in Advice Letter No. 1397 – Electric are incorrect and are, therefore, rejected. Those rates and related provisions (tariff sheet nos. 114, 114A, and 114B) and the rate summary sheet (tariff sheet no. 23) shall not become effective on July 1, 2003.

II. ORDER

A. The Commission Orders That:

1. Tariff sheet nos. 23, 114, 114A, and 114B with Advice Letter No. 1397 – Electric, 1397- Electric Amended, and 1397 – Electric Second Amended are rejected.

2. Public Service Company of Colorado shall file on July 7, 2003, a new Advice Letter with correct rates for its Interim Adjustment Clause (*i.e.*, new tariff sheet nos. 23, 114, 114A, and 114B). The new Advice Letter will have a proposed effective date of July 9, 2003.

3. Public Service Company of Colorado shall file a notarized affidavit indicating whether any customers were inadvertently charged the incorrect Interim Adjustment Clause factors contained in the June 30, 2003 Advice Letter No. 1397 – Electric.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
July 3, 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

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Commissioners