

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03D-161W

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.

PROCEDURAL ORDER

Mailed Date: July 7, 2003
Adopted Date: July 2, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for entry of the procedural order in this docket. This docket concerns a petition for declaratory order by Cascade Public Service Company (Cascade). Cascade is seeking an order that a transfer of capital stock of Cascade Town Company, a Colorado Corporation which owns all the capital stock of Cascade, does not require Commission approval under § 40-5-105, C.R.S., and Commission Rule 55, 4 *Code of Colorado Regulations* 723-1. At the prehearing conference on July 1, 2003, the parties, Cascade, and Commission Staff (Staff), agreed that an evidentiary hearing in this case is likely not necessary. The parties anticipate that all facts relevant to the Petition for Declaratory Order in this case can be agreed to. The parties believe that the matters in dispute between Cascade and Staff involve questions of law.

2. Since an evidentiary hearing in this case will likely be unnecessary, we now establish the following procedural schedule for Commission consideration of this matter:

1. Cascade and Staff shall submit their stipulation of relevant facts concerning the petition for declaratory order on or before July 17, 2003;
2. Cascade shall file its opening brief on the petition on or before August 7, 2003;
3. Staff shall file its answer brief on or before August 21, 2003;
4. Cascade shall file its reply brief on or before September 3, 2003; and
5. The Commission will hear oral argument on the petition on September 16, 2003.

II. ORDER

A. The Commission Orders That:

1. The procedural schedule for the Commission's consideration of the Petition for Declaratory Order by Cascade Public Service Company is established consistent with the above discussion.

2. Oral argument on the Petition for Declaratory Order by Cascade Public Service Company shall take place at the following time and place:

DATE: September 16, 2003

TIME: 9:00 a.m.

PLACE: Hearing Room A
1580, Logan Street, OL 2
Denver, Colorado

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 2, 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