

Decision No. C03-0933

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 95F-446W

DURANGO WEST METROPOLITAN DISTRICT NO. 1,

COMPLAINANT,

V.

LAKE DURANGO WATER COMPANY, INC.,

RESPONDENT.

DOCKET NO. 97S-182W

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY LAKE DURANGO WATER COMPANY, INC. WITH ADVICE LETTER NO. 2-WATER.

DOCKET NO. 97A-273W

IN THE MATTER OF THE APPLICATION OF LAKE DURANGO WATER COMPANY, INC. TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE DOMESTIC WATER IN AN AREA WEST OF THE CITY OF DURANGO, LA PLATA COUNTY, COLORADO.

**ORDER GRANTING WITHDRAWAL OF
APPLICATION FOR REHEARING,
REARGUMENT, OR RECONSIDERATION**

Mailed Date: August 19, 2003
Adopted Date: August, 13, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the Motion to Withdraw a Petition for Rehearing, Reargument or Reconsideration (RRR) filed by Lake

Durango Water Company, Inc. (Lake Durango), on August 5, 2003. Lake Durango filed an RRR to our Decision No. C03-0766, which granted attorney's fees and costs to Durango West Metropolitan District No. 1 (District). Now, being fully advised in the matter, we grant Lake Durango's withdrawal of RRR.

II. DISCUSSION

2. On May 23, 2003, the District filed a motion for an award of attorney's fees and costs it claimed to have incurred as a result of Lake Durango's appeal of our previous decisions awarding the District attorney's fees and costs for matters before the Commission concerning Lake Durango. The District sought an additional \$79,240.76 in fees and costs incurred during the judicial review of our prior award decisions. In Decision No. C03-0766, effective on July 11, 2003, we reduced the amount sought by the District by half and awarded it \$39,620.38 in attorney's fees and costs. We determined that based on the overlap in issues briefed and argued by counsel for the District and the Colorado Attorney General's Office on behalf of the Commission, such an award was fair and equitable.

3. Lake Durango filed its petition for RRR on July 31, 2003, raising a number of issues opposing the award. However, on August 4, 2003, Lake Durango submitted a letter to the Commission indicating that it was withdrawing its petition for RRR. According to the letter, Lake Durango paid the sum of \$39,620.38, the amount of attorney's fees ordered by the Commission to be paid to the District, and the District had accepted that sum as payment in full. Additionally, the District filed a Satisfaction of Judgment with the Commission on August 1, 2003, indicating that all amounts owed pursuant to our Decision No. C03-0776 had been paid in full.

4. We therefore construe the letter of August 4, 2003 filed by Lake Durango as a motion to withdraw its petition for RRR and grant the motion.

III. ORDER

A. The Commission Orders That:

1. The letter filed by Lake Durango Water Company, Inc., on August 4, 2003 is construed as a motion to withdraw its Petition for Rehearing, Reargument or Reconsideration to Commission Decision No. C03-0776.

2. The motion of Lake Durango Water Company, Inc., to withdraw its Petition for Rehearing, Reargument or Reconsideration to Commission Decision No. C03-0776 is granted.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August, 13, 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

Commissioners

COMMISSIONER JIM DYER RECUSED
HIMSELF.

