

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-325FG

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 AVON, COLORADO.

**DECISION GRANTING APPLICATION
TO EXERCISE FRANCHISE RIGHTS**

Mailed Date: August 21, 2003
Adopted Date: August 20, 2003

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On July 25, 2003, Public Service Company of Colorado (Public Service) filed an application seeking a Commission order granting it a certificate of public convenience and necessity to exercise franchise rights in the Town of Avon, Colorado (Avon or Town).

2. The Commission noticed the application on July 29, 2003, to all interested persons, firms, and corporations. Additionally, Public Service caused a notice of application to be published in the *Vail Trail* on July 25, 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 transportation, purchase, storage, distribution, and sale of gas 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 Avon, in accordance with the franchise agreement approved by the Town on May 27, 2003 in Ordinance No. 03-09.

5. The franchise agreement is granted for a period of one year, expiring May 31, 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 gas within the corporate limits of the Town.¹

6. K N Energy, and Colorado Natural Gas Company 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 gas services to residents of the Town pursuant to a franchise agreement dated May 20, 1983. This application further extends the expiration date of the prior 20-year agreement.

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

¹ We note that the Public Service notice incorrectly includes an exclusion of revenue received from the sale of gas to the Town from gross revenue.

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 Avon, Colorado is deemed complete and granted.

2. The request by Public Service Company of Colorado to accept the financial statements provided in this application in lieu of a feasibility study is also granted.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 20, 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