

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-358FEG

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 JOHNSTOWN, COLORADO.

**DECISION GRANTING APPLICATION
TO EXERCISE FRANCHISE RIGHTS**

Mailed Date: September 11, 2003

Adopted Date: September 10, 2003

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 14, 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 Johnstown, Colorado (Johnstown or Town).

2. The Commission noticed the application on August 19, 2003 to all interested persons, firms, and corporations. Additionally, Public Service caused a notice of application to be published in the *Johnstown Breeze* on August 14, 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 electricity and gaseous fuel 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 Johnstown, in accordance with the franchise agreement approved by the Town on January 6, 2003 in Ordinance No. 2003-701.

5. The franchise agreement is granted for a period of one year, expiring January 6, 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 and 2 percent of the gross revenues received from the sale of gaseous fuel within the corporate limits of the Town, excluding revenues from electrical lighting services and all revenues received in excess of \$2,500.00 derived *per annum* from the sale of either gaseous fuel or electricity to each customer.

6. KN Energy, Inc., and Poudre Valley Rural Electric Association 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 and gas services to residents of the Town pursuant to a franchise agreement dated November 6, 1972. This application further extends the expiration date of the prior 25-year agreement.

8. Public Service's electrical and gas tariffs, currently on file with the Commission, will be used for services 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 Johnstown, 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
September 10, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.