

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-409FEG

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 CITY OF BRUSH, COLORADO.

**DECISION GRANTING APPLICATION
TO EXERCISE FRANCHISE RIGHTS**

Mailed Date: October 16, 2003
Adopted Date: October 15, 2003

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On September 18, 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 City of Brush, Colorado (Brush or City).

2. On October 10, 2003, Public Service filed a supplement to the original application. The supplement provided additional information to clarify the terms of the franchise agreement. Specifically, the supplement included rate modification provisions previously adopted in Ordinance No. 580-89.

3. The Commission noticed the application on September 22, 2003 to all interested persons, firms, and corporations. Additionally, Public Service caused a notice of application to be published in the *Brush News-Tribune* on September 17, 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.

4. 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 generation, transmission, purchase, distribution, and sale of electricity and the purchase, distribution, transportation, and sale of natural 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.

5. Public Service requests that the Commission issue an order granting to it a certificate of public convenience and necessity to exercise franchise rights in Brush, in accordance with the franchise agreement approved by the City on April 14, 2003 in Ordinance No. 746-03.

6. The franchise agreement is granted for a period of one year, expiring May 22, 2004. Terms of the franchise agreement provide for Public Service to pay to the City a sum equal to 3 percent of all revenues received from the sale and transportation of gas and electricity within the City.

7. Fort Morgan Utilities, Morgan County REA, and K N Energy are other public utilities or other entities of like character providing similar services in or near the area involved in this application.

8. Public Service has been providing electric and gas services to residents of the City pursuant to a franchise agreement dated April 23, 1979. This application further extends the expiration date of the prior 20-year agreement.

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

10. Public Service has the financial ability and is qualified and competent to conduct the utility operations sought under its application. Accordingly, Public Service requests that the financial statements submitted as part of this application be accepted in lieu of a feasibility study.

11. 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 City of Brush, Colorado is deemed complete and granted.

2. Public Service Company of Colorado's request to accept the submitted financial statements as proof of sufficient financial ability to continue to provide utility service as prescribed, in lieu of a feasibility study, as permitted by Rule 55(c)(5) is granted.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 15, 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