

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-502FEG

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 NEDERLAND, COLORADO.

**DECISION GRANTING APPLICATION
TO EXERCISE FRANCHISE RIGHTS**

Mailed Date: December 15, 2003
Adopted Date: December 10, 2003

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 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 Town of Nederland, Colorado (Nederland or Town).

2. On December 3, 2003, Public Service filed additional information to clarify an error in the Town's Ordinance No. 577. Specifically, in its September 16, 2003 resolution the Board of Trustees of Nederland approved the extension of the franchise. However, the written acknowledgement of the resolution (Ordinance No. 577) erroneously listed the expiration date as March 11, 2004 in paragraph 2 and September 11, 2004 in paragraph 6. Public Service submitted a letter from the Town, which acknowledged the discrepancy and clarified that the expiration date is March 11, 2004.

3. The Commission noticed the application on November 21, 2003 to all interested persons, firms, and corporations. Additionally, Public Service caused a notice of application to be published in *The Mountain Ear* on November 20, 2003. No petition to intervene or notice of intervention has been filed, and thus 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 granted by the Town. The Board of Trustees for the Town on August 2, 1983 granted Public Service a 20-year franchise to provide electric and gas services in the Town. On April 18, 1989, pursuant to Ordinance No. 310, certain terms of the franchise agreement were amended. On September 16, 2003, pursuant to Ordinance No. 577, the expiration date of the franchise agreement was extended for an additional six months, expiring March 11, 2004.

6. The terms of the franchise agreement provide for Public Service to pay to the Town a sum equal to 3 percent of all revenues received from the sale and transportation of gas and electricity within the Town.

7. Kinder Morgan, Inc., and Colorado Natural Gas, Inc., 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's electric and gas tariffs, currently on file with the Commission, will be used for service under this application.

9. 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.

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 Nederland, 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
December 10, 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