

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 02A-645S

---

IN THE MATTER OF THE APPLICATION OF AQUILA, INC. FOR AN ORDER  
AUTHORIZING A PLEDGE OF ASSETS TO SECURE REVISED FINANCING  
ARRANGEMENTS.

---

**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
KEN F. KIRKPATRICK  
VACATING AND RESETTING HEARING**

---

---

Mailed Date: January 7, 2003

**I. STATEMENT**

1. By facsimile transmission received December 31, 2002, Applicant Aquila, Inc. (Aquila), filed its Motion to Vacate Hearing and Waive Continuance[sic] of 30-Day Deadline. In this motion Aquila seeks to have the hearing in this matter, currently scheduled for January 6, 2003, vacated and rescheduled. In addition, Aquila seeks to have the time for decision under § 40-1-104(5), C.R.S., extended. As grounds for the motion Aquila states that both the Staff of the Public Utilities Commission (Staff) and the Office of Consumer Counsel (OCC) have intervened. Negotiations are underway to resolve this matter through other than a litigated disposition. However, Staff has served audit requests, the responses to which were not due until January 6, 2003. Also, Aquila has continued its discussions with the OCC. All parties seek additional time to further discuss this application and arrive at a negotiated settlement.

2. Good grounds having been shown the motion shall be granted. The Commission encourages negotiated settlements to disputed matters. This is a significant application by Aquila. Staff and the OCC have raised questions as to what assets are being pledged and

whether the assets being pledged are regulated assets being pledged for non-regulated activities. It is important that the record be fully developed and that the Commission become aware of the exact nature of the purpose for the pledge of assets before this application can be fully considered. Therefore it is necessary to continue the decision beyond the 30-day deadline established in § 40-1-104(5), C.R.S.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The hearing in this matter scheduled for January 6, 2003, is vacated. A new hearing is scheduled as follows:

DATE: February 6, 2003  
TIME: 10:00 a.m.  
PLACE: Commission Hearing Room  
1580 Logan Street, OL2  
Denver, Colorado

2. The time for a decision in this application is extended for 60 days beyond the 30-day time limit established in § 40-1-104(5), C.R.S.

3. This Order is shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

KEN F. KIRKPATRICK

Administrative Law Judge

ATTEST: A TRUE COPY

Bruce N. Smith  
Director