

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-541E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR AN ORDER APPROVING EXPENSES INCURRED FOR THE PERIOD
JANUARY 2001 THROUGH DECEMBER 2001 THAT ARE RECOVERED THROUGH THE
INCENTIVE COST ADJUSTMENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
DENYING STAFF'S FIRST MOTION
TO COMPEL PUBLIC
SERVICE TO RESPOND TO
DISCOVERY AND MOTION FOR
ATTORNEY'S FEES**

Mailed Date: January 21, 2003

I. STATEMENT

1. On January 8, 2003, Staff of the Public Utilities Commission (Staff) filed a Motion to Compel Public Service Company of Colorado (Public Service) to respond to discovery and Motion for Attorney's Fees.

2. On January 14, 2003, Public Service filed a Response to the Motion to Compel and Motion for Attorney's Fees.

3. On January 15, 2003, Staff filed a Notice of Withdrawal of its First Motion to Compel Public Service to Respond to Discovery and Motion for Attorney's Fees. Staff states that on or about January 14, 2003, Public Service responded to the discovery request and filed responses to the discovery.

II. ORDER

A. It Is Ordered That:

1. The motion of Staff of the Public Utilities Commission to compel Public Service Company of Colorado to respond to discovery and motion for attorney's fees filed on January 8, 2003 is now moot. Therefore the motions are denied.

2. This Order is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

WILLIAM J. FRITZEL

Administrative Law Judge