

Decision No. R04-1269-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-553EG

CCI DEVELOPMENT AND MANAGEMENT,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
ORDERING IMPLEMENTATION
OF SERVICE WITH CONDITIONS**

Mailed Date: October 27, 2004

I. STATEMENT

1. On October 27, 2004, Complainant, CCI Development and Management (CCI), filed a Formal Complaint (Complaint) with the Colorado Public Utilities Commission (Commission) in the captioned docket against Public Service Company of Colorado (PSCo).¹ The Complaint alleges that PSCo has discontinued utility service to an apartment building located at 1995 Delmar Parkway, Aurora, Colorado 80010. It further alleges that PSCo has refused to provide utility service due to a dispute over non-payment of a prior, outstanding

¹ The Complaint named "Xcel Energy" as the Respondent. However, PSCo conducts utility business in Colorado as a wholly-owned subsidiary of Xcel Energy, Inc., a public utility holding company. As a result, PSCo is the proper designation for the Respondent in this matter.

balance for such services. The Commission's Staff advises that the past due amount alleged to be due is approximately \$6,500.00.

2. The Complaint contends that the City of Aurora is about to commence action to evict tenants from the subject property due to health and safety concerns potentially resulting from a lack of utility service. It suggests, therefore, that utility service needs to be restored immediately to ensure the health and safety of the tenants. CCI requests an order from the Commission ordering PSCo to implement utility service to the subject property pending resolution of this complaint proceeding.

3. The Commission has the authority to prohibit discontinuance of service pending resolution of a proceeding involving a dispute over utility charges upon such terms as it deems reasonable, including the requirement that the Complainant post a deposit or bond with the utility and/or payment of all undisputed charges. *See, 4 Code of Colorado Regulations (CCR) 723-2-13(b)(3)(c) and (d) and 4 CCR 723-4-13(b)(3)(c) and (d).* Although the situation at hand appears to involve either a request for implementation of new service or a reconnection of previously disconnected service, the Commission has previously invoked regulations similar to those cited above to require a utility to implement service upon payment of a reasonable bond or deposit. *See, Miller v. O'Neal Water*, Decision No. R98-1215-I (water utility ordered to restore utility service upon payment of deposit pursuant to 4 CCR 723-5-13(a),(c),(d) and (e)).

4. In addition, the Commission's rules authorize it to order the restoration of utility service during any period when the discontinuance of service would be especially dangerous to the health or safety of a residential customer. *See, 4 CCR 723-3-13(f) and 4 CCR 723-4-13(f).* The Complaint establishes that the failure to immediately implement utility service to the property in question could endanger the health and safety of the tenants occupying such property.

5. In light of the foregoing, PSCo will be ordered to implement utility service to CCI at 1995 Delmar Parkway, Aurora, Colorado 80010 within one day after CCI posts a bond with or submits a deposit to PSCo in the amount of \$2500.00. In addition, CCI must keep current with all bills on a going forward basis in order to maintain such utility service.

II. ORDER

A. It Is Ordered That:

1. Pending the resolution of this proceeding, Public Service Company of Colorado shall implement utility service to CCI Development and Management at 1995 Delmar Parkway, Aurora, Colorado 80010 within one day after CCI Development and Management posts a deposit or corporate security bond with it in the amount of \$2,500.00.

2. Pending the resolution of this proceeding, the utility service ordered under the provisions of ordering paragraph no. 1 above shall continue so long as CCI Development and Management keeps current on a going forward basis with all amounts due and payable in connection with such service.

3. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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