

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0028FE

IN THE MATTER OF THE APPLICATION OF COLORADO SPRINGS UTILITIES FOR AN ORDER GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE ELECTRIC SERVICE FRANCHISE RIGHTS GRANTED BY THE CITY OF FOUNTAIN, COLORADO.

**INTERIM DECISION: GRANTING REQUEST FOR
SHORTENED NOTICE AND INTERVENTION
PERIOD; AND WAIVING RESPONSE TIME**

Mailed Date: January 15, 2014

Adopted Date: January 15, 2014

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a motion filed on January 6, 2014, by Colorado Springs Utilities, requesting that the Commission shorten the notice and intervention period set forth in Commission Rules 1206(a) and (d) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (Motion), that applies to Colorado Springs Utilities' application, also filed January 6, 2014, for issuance of a certificate of public convenience and necessity (CPCN) authorizing Colorado Springs Utilities to exercise electric service franchise rights granted by the City of Fountain, Colorado (Fountain), through December 19, 2033 (Application).

2. Now being duly advised, we grant the Motion, and waive response time thereto.

B. Findings and Conclusions

3. In its Application, the City of Fountain City Council approved the franchise ordinance on second reading, December 20, 2013; the franchise ordinance is attached to the Application as Exhibit G. In support of its Motion, Colorado Springs Utilities represents that, as a condition precedent to a financing agreement, a new potential customer within the franchise area must have confirmation that Colorado Springs Utilities satisfies all conditions required for it to provide service in Fountain, including procuring a CPCN from the Commission. It further represents that the current closing of financing for the customer's agreement is set to take place January 15, 2014, and that a delay of obtaining approval may have implications in the customer's ability to move forward with a substantial economic development project. Therefore, through the Motion, Colorado Springs Utilities represents that it needs an expedited decision and requests that the Commission shorten response time to ten days.

4. Further, by its Application, Colorado Springs Utilities represents that it would provide notice of the Application to be published in *The Colorado Springs Gazette*. On January 14, 2014, Colorado Springs Utilities filed in this proceeding an Affidavit of Publication, indicating that notice of the Application in fact was published in *The Colorado Springs Gazette*, January 10, 2014.

5. The Petition is available for public inspection at the Commission office located at 1560 Broadway, Suite 250, Denver, Colorado 80202, between 8:00 a.m. and 5:00 p.m., excluding weekends and state holidays. **This Decision is the notice that the Application filed January 6, 2014, for issuance of a CPCN authorizing Colorado Springs Utilities to exercise electric service franchise rights granted by Fountain through December 19, 2033, has been filed.**

6. We find good cause exists to rule on these requests promptly. We find that a notice period of ten days from the Application filing date, ending January 16, 2014,

is appropriate in these circumstances. Further, we find that no party will be prejudiced by shortening the intervention period to run concurrent with the notice period and waiving response time to the Motion.

7. We find that good cause exists to grant the Motion. We find that a shortened Commission notice period expiring on **5:00 p.m. on January 16, 2014**, is appropriate. The intervention period will run concurrent to the notice period. Interventions, including by Staff of the Commission, shall be due at **5:00 p.m. on January 16, 2014**.

II. ORDER

A. It Is Ordered That:

1. Response time to the Motion filed on January 6, 2014, by Colorado Springs Utilities, requesting that the Commission shorten the notice and intervention period is waived.

2. The Motion is granted. The notice period for the verified application filed by Colorado Springs Utilities on January 6, 2014, for issuance of a certificate of public convenience and necessity authorizing Colorado Springs Utilities to exercise electric service franchise rights granted by the City of Fountain, Colorado, through December 19, 2033, shall extend through and including **5:00 p.m. on January 16, 2014**.

3. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Commission, shall file a petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party, by **5:00 p.m. on January 16, 2014**.

4. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202. All persons who file an objection, notice of

intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

5. If a party does not meet the requirements of this Decision, the Commission may dismiss or strike the application or intervention upon motion filed by any other party, or upon the Commission's own motion, unless good cause for failure to meet the requirements is shown.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 15, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners