

Decision No. R14-1195-I

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

PROCEEDING NO. 14F-0971EG

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STEVE HORWITZ,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
G. HARRIS ADAMS  
MODIFYING INTERIM RELIEF AND  
PROHIBITING DISCONTINUANCE OF SERVICE**

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Mailed Date: October 1, 2014

**I. STATEMENT**

1. On September 26, 2014, Complainant Steve Horwitz, filed a Complaint against Public Service Company of Colorado (Public Service).<sup>1</sup>

2. By Decision No. R14-1186-I issued September 29, 2014, interim relief was granted on an expedited basis because it appeared disconnection was imminent. Public Service was ordered to provide service pending a hearing, subject to a condition.

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<sup>1</sup> The Complaint named “Xcel” as the Respondent. Public Service conducts utility business in Colorado as a wholly-owned subsidiary of Xcel Energy, Inc., a public utility holding company. As a result, Public Service is the proper designation for the Respondent in this matter.

3. The Commission does have the authority to prohibit discontinuance of service pending resolution of a proceeding involving a dispute over utility charges upon such terms as the Commission deems reasonable, including the requirement that the complainant post a bond. *See* Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3-3408(b)(X) and Rules Regulating Gas Utilities and Pipeline Operators 4 CCR 723-4-4408(b)(X).

4. By Decision No. R14-1186-I, sufficient grounds were found to prohibit Public Service from discontinuing utility service subject to conditions. However, it was also noted that a requirement to post a bond may be reconsidered as additional information becomes available

5. Public Service has since informally advised the Commission that the total outstanding balance due on Complainant's account as of this date is \$9,020.98. Based upon a rough approximation based upon current usage, the bill likely accrued for six months prior to the filing of the within Complaint.

6. Approximately eight months have passed between the time when consequences of the alleged conduct were known and the filing of the within proceeding. While delaying action, Complainant accrued a substantial balance due to Public Service.

7. Complainant will be required to post a deposit or bond in the amount of \$5,000.00 with Public Service, payable no later than noon on October 10, 2014. Complainant must also timely pay all charges billed after the date of this interim decision for utility services provided by Public Service.

**II. ORDER****A. It Is Ordered That:**

1. Decision No. R14-1186-I prohibiting discontinuance of service is vacated.
2. Public Service Company of Colorado (Public Service) shall not discontinue gas or electric service to the Complainant, Steve Horwitz, at the service address of 1955 S. Bannock, Denver, Colorado 80210 during the pendency of the proceeding or until further order of the Commission.
3. Ordering Paragraph No. 2 above is contingent on Steve Horowitz posting a \$5,000 bond to Public Service on or before October 10, 2014 at noon. Ordering Paragraph No. 2 above is also contingent on Steve Horwitz timely paying all charges billed after the date of this Interim Decision for gas and electric service at the service address of 1955 S. Bannock, Denver, Colorado 80210 during this proceeding. If these conditions are not met, Public Service may discontinue service, after notice in accordance with Commission Rules, without further order of this Commission.

4. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director