

Decision No. R14-1205

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0899EG

TIMOTHY A. BENSON,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
DISMISSING COMPLAINT**

Mailed Date: October 1, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On August 28, 2014, Timothy Benson filed a formal Complaint against Public Service Company of Colorado (Respondent). That filing commenced this proceeding.

2. On September 2, 2014, the Commission provided Respondent notice of the Complaint, ordered Respondent to satisfy or answer it, and set the Complaint for an evidentiary hearing for November 10, 2014.

3. During the Commission's weekly meeting held September 3, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.

4. Respondent filed an answer to the Complaint on September 22, 2014.

5. On September 25, 2014, the parties submitted a "Request for Dismissal of Formal Complaint and Request to Vacate Hearing" (Request to Dismiss). The Request to Dismiss

indicates that as a result of a mediation, the parties have mutually agreed to the complete resolution of the disputes in this proceeding. The Request to Dismiss asks that the Complaint be dismissed, and the hearing scheduled for November 10, 2014 be vacated.

6. Since all parties executed the Request to Dismiss, the ALJ will *sua sponte* waive the response time to it, pursuant to the authority provided by Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

7. As there are no issues remaining to be resolved, and the parties have agreed to dismissal, the ALJ finds that the parties have shown good cause for dismissal of the Complaint with prejudice. The Complaint will be dismissed, and the hearing set for November 10, 2014 will be vacated.

8. Pursuant to § 40-6-109, C.R.S., the Administrative Law Judge recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The response time to the “Request for Dismissal of Formal Complaint and Request to Vacate Hearing” (Request to Dismiss) is waived.

2. The Request to Dismiss is granted.

3. Timothy A. Benson’s formal Complaint in this proceeding is dismissed with prejudice.

4. The hearing scheduled for November 10, 2014 at 9:00 a.m. in this proceeding is vacated.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

6. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

7. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director