

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF  
PUBLIC SERVICE COMPANY OF COLORADO  
FOR A CERTIFICATE OF PUBLIC CONVEN-  
IENCE AND NECESSITY TO EXERCISE  
FRANCHISE RIGHTS IN THE CITY OF  
CENTRAL, COUNTY OF GILPIN, STATE OF  
COLORADO, FOR THE PURCHASE, GENER-  
ATION, TRANSMISSION, DISTRIBUTION  
AND SALE OF ELECTRICITY IN SAID CITY  
AND IN THE AREA CONTIGUOUS THERETO,  
AND ALONG THE TRANSMISSION LINES TO  
THE CITY.

APPLICATION NO. 12762

March 9, 1954

Appearances: Lee, Bryans, Kelly and Stans-  
field, by Charles Kelly, Esq.,  
Denver, Colorado, for applicant;  
W. Geo. Denny, Jr., Denver, Colo-  
rado,  
C. L. Flower, Denver, Colorado,  
and  
J. M. McMulty, Denver, Colorado,  
for the Commission.

STATEMENT

By the Commission:

This is an application by the Public Service Company of Colorado for a certificate of public convenience and necessity, seeking authority from this Commission to exercise franchise rights granted by the City Council of the City of Central, Gilpin County, Colorado, in and by an Ordinance passed, adopted and approved on January 6, 1954, for the purchase, generation, transmission and distribution of electricity in said City of Central, as well as the right to serve electricity in the area contiguous thereto.

After due notice to all interested parties, the matter was set for hearing, and heard, on March 2, 1954, in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and was there taken under advisement.

Applicant is a corporation, duly organized and existing under the laws of the State of Colorado, with authority to do business in said State, and its Articles of Incorporation, together with all the amendments thereto, have heretofore been filed with this Commission.

Applicant is a public utility, as defined in Section 3, Chapter 137, 1935 Colorado Statutes Annotated, and is engaged in the business of purchasing, generating, transmitting and distributing electricity and gas to the various cities, towns and communities in diverse counties of the State. The post office address and principal office of applicant is the Gas and Electric Building, Denver, Colorado.

Evidence at the hearing disclosed that applicant has been serving electricity in the City of Central under the terms and conditions of an electric franchise (the terms of which had not yet expired) previously granted by Ordinance No. 1-A of September 12, 1929. Applicant has been exercising said franchise rights under authority of a certificate of public convenience and necessity heretofore granted by this Commission on May 24, 1930, Decision No. 2909, in Application No. 1584. Prior to the expiration of the terms of the franchise, granted by Ordinance No. 1-A, applicant was granted a new franchise by the City Council of the City of Central for the purpose of furnishing electric service to said City and the inhabitants thereof in and by virtue of an Ordinance No. 124, dated December 2, 1953. Ordinance No. 124 is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF CENTRAL, GILPIN COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE CITY OF CENTRAL, A PLANT OR PLANTS, SUBSTATIONS AND WORKS, FOR THE PURCHASE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE CITY OF CENTRAL, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT AND POWER OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID CITY OF CENTRAL, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The above entitled Ordinance is for a period of twenty-five years from and after its passage. A copy of said Ordinance, marked Exhibit "A" together with the formal written acceptance by the Company are attached to the instant application, and were introduced and admitted as evidence at the hearing, are made a part hereof, by reference.

The 1950 United States Census listed the population of City of Central as 371. The witness for applicant at the hearing estimated that during the life of the franchise, the Company expected to add fifty additional customers due to the normal growth in the City. The witness also estimated that during the life of the franchise, the Company expected to spend in additional capital investment approximately \$7,500.

Applicant at the present time is also rendering electric service in the area contiguous to the City of Central and along the transmission lines to said City, and it wishes to continue to render said service. Introduced by the applicant at the hearing and admitted to evidence was a map marked Exhibit "B" delineating in greater detail the area that applicant has been serving contiguous to the City of Central and also showing the transmission lines in the area from which applicant has been and wishes to continue to render electric service. Exhibit "B" is made a part hereof by reference, to show in greater detail the area contiguous to the City of Central, the area applicant has been and will continue to serve in the future.

There are no other public utilities engaged in the business of distributing or selling electricity in the City of Central, or in the area contiguous thereto, and no one appeared at the hearing in opposition to the granting of the authority sought.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above Statement, by reference, should be made a part hereof.

That public convenience and necessity require the granting of the authority sought.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise of the franchise rights granted to the Public Service Company of Colorado, by the City Council of the City of Central, Gilpin County, Colorado, in and by Ordinance dated January 6, 1954, attached to the application herein as Exhibit "A" which, by reference, is made a part hereof, for the purchase, generation, distribution, and sale of electricity in the said City of Central and in the area contiguous to said City, as more fully set forth in Exhibit "B" introduced at the hearing and, by reference, made a part hereof, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That the certificate granted herein shall cancel and supersede the certificate heretofore issued by the Commission in Decision No. 2909, dated May 24, 1930, in Application No. 1584.

That applicant shall continue to operate and maintain its electric system and render service in the area heretofore designated, in accordance with the rate schedules, rules and regulations, service connections and main extension policies as are now or hereafter in effect and on file with the Commission, and shall continue to maintain its books and accounts in agreement with the Uniform System of Accounts, and its practices as to testing of meters, consumers' deposits and operations, records of meters and complaints shall be in compliance with the Commission's requirements.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*John H. H. H. H.*

*John H. H. H. H.*

*Ralph C. Gordon*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1954.