

(Decision No. 66009)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )  
J. WALTER GYLLING OF LA JARA, COLO- )  
RADO FOR AN ORDER REQUIRING THE SAN )  
LUIS VALLEY COOPERATIVE, INC. AND/OR )  
THE PUBLIC SERVICE COMPANY OF COLO- )  
RADO TO FURNISH SERVICE AND EQUIPMENT )  
AND EXTEND POWER LINE. )  
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APPLICATION NO. 21469

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October 7, 1965  
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Appearances: J. E. Pound, Esq., Alamosa,  
Colorado, for Applicant;  
Carlos F. Lucero, Esq.,  
Alamosa, Colorado, for  
Applicant;  
Bryant O'Donnell, Esq.,  
Denver, Colorado, for  
Public Service Company;  
William O. De Souchet, Esq.  
Alamosa, Colorado, for San  
Luis Valley;  
Paul M. Brown, Denver, Colo-  
rado, of the Staff of  
the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above-styled application by J. W. Gylling seeks to obtain three phase electric service to supply electric power and energy to operate five motors of  $7\frac{1}{2}$  H.P. each at a grain storage elevator located in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 10, Township 35 N, Range 9 E, of the New Mexico Principal Meridian.

After due notice to all interested parties, the matter was set for hearing at 10:00 o'clock A.M. Friday, September 24, 1965, in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado.

Applicant is an individual who has erected a grain storage elevator which requires power for its operation. It is alleged in the application that San Luis Valley Rural Electric Co-operative, Inc.

(San Luis), a public utility serving certain areas of the San Luis Valley, would have to extend its electric distribution line  $2\frac{1}{2}$  miles at a cost to Mr. Gylling of \$3,800; that Public Service Company of Colorado (Public Service), a public utility serving separate areas of the San Luis Valley, among others, in Colorado, would have to extend only 330 feet; that he is situated in the area certificated to San Luis by this Commission in its Decision No. 65447 of July 27, 1965; and that relief should be granted to applicant by this Commission from the hardship created by said Commission decision.

After the matter was called up for hearing and appearances taken, the attorney for Public Service advised that an agreement had been reached by the Applicant, San Luis and Public Service prior to the hearing and requested the Commission to approve the following stipulation:

" . . . it was stipulated and agreed by and between the parties hereto that Public Service Company would render temporary service to the customer, and the service is to be until such time as San Luis Valley extends its facilities so that it can render service to the customer at no more of a charge than will be charged by the Public Service Company.

The charge that Public Service Company will make to the customer to render service will be no extension deposit whatsoever, but there will be a yearly guaranteed revenue to the company of \$455.76, which is something slightly under \$40.00 a month. And that guaranteed revenue, of course, may be used up in energy, and it is applicable at the end of the year. It will be determined what the customer's total bill was. If it's less than \$455.76, he'll be billed the difference; if it's more, there will be no charge other than the standard rate."

Service will be furnished by Public Service under its applicable Rate, but at not less than an annual minimum charge derived pursuant to the extension policy of Public Service contained in its Tariff on file with this Commission.

The date of assumption of electric service to applicant by San Luis is in the indefinite future and is dependent upon the demands for electric service made upon San Luis requiring the extension

of its three phase facilities, or because of other added electric loads requiring greater line capacity than now exists in its single phase line serving the area where applicant is situated, and areas beyond. Upon the assumption of the supply of electric service by San Luis, service will be billed pursuant to San Luis' applicable Rate. The application of the extension policy of San Luis cannot produce a greater annual minimum bill than established by Public Service but could operate to produce a lesser annual minimum.

Public Service will not abandon its electric service until San Luis is ready to serve. The matter of compensation, if any, for out-of-pocket expenses by Public Service and the acquisition of facilities installed by it that may be assumed by San Luis, is to be worked out by the two parties and set forth in a letter of agreement, a copy of which will be filed with the Commission.

It was further stipulated that the matter be continued on the docket of the Commission until further action of the applicant. This does not now appear to be necessary. Public Service has completed the electric line extension and is ready to furnish electric service when the applicant's wiring installation is completed. This is information supplied by Public Service Company on September 29, 1965; thus the electric service desired by applicant is in place and awaiting his convenience.

Chairman Zarlengo and Commissioner Horton, having been present throughout the Hearing, accepted the stipulation from the bench to be followed by a formal order.

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

##### THE COMMISSION FINDS:

That the above statement by reference be made a part hereof.

That it has jurisdiction of the subject matter herein, and of Public Service and San Luis.

That the location for which electric service is desired by Applicant is situate in territory certificated to be served by San Luis.

That due to the physical location of the three phase facilities, Public Service can render electric service at less cost to Applicant than San Luis and that Public Service should provide temporary electric service pursuant to the terms of the Stipulation contained in the above statement.

That Public Service be issued a temporary certificate to provide electric service to Applicant.

That no good purpose would be served by keeping the matter open but the Commission should retain jurisdiction to make such further Order or Orders as may be required.

#### O R D E R

##### THE COMMISSION ORDERS:

That the public convenience and necessity requires Public Service to furnish three phase electric service to Applicant for a grain storage elevator located in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 10, Township 35 N, Range 9 E, of the New Mexico Principal Meridian.

That this Order shall be taken, deemed and held to be a temporary certificate of public convenience and necessity therefor.

That upon the extension of three phase electric service by San Luis to the vicinity of the grain elevator, it shall assume service to Applicant's grain elevator to be billed in accordance with its applicable rate but at no greater annual minimum charge than provided in the foregoing stipulation. Public Service will then abandon electric service to the applicant and thereupon its temporary Certificate of Public Convenience and Necessity shall terminate.

That Public Service shall not discontinue the furnishing of three phase electric service prior to the assumption of such service by San Luis except pursuant to the rules and regulations contained in its Tariff on file with this Commission.

That Public Service and San Luis shall file a conformed copy of their letter of agreement containing the method of transfer of facilities, if any, at the time San Luis assumes the supplying

three phase electric service to Applicant.

That the Commission retains jurisdiction of this matter to make such further Order or Orders as it may deem proper.

That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

HENRY E. ZARLENGO

*Henry E. Zarlengo*  
*Donald B. Bell*

*Ralph C. Hutton*  
Commissioners

Dated at Denver, Colorado,  
this 7th day of October, 1965.

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