

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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 MONTE)
VISTA, COUNTY OF RIO GRANDE, STATE OF)
COLORADO, FOR THE GENERATION, PRODUC-)
TION, MANUFACTURE, PURCHASE, STORAGE,)
EXCHANGE, TRANSMISSION AND DISTRIBUTION)
OF ELECTRICAL ENERGY AND GASEOUS FUELS)
OR MIXTURES THEREOF IN SAID CITY OF)
MONTE VISTA AND TO DISTRIBUTE AND SELL)
GAS IN THE AREA CONTIGUOUS THERETO AND)
ALONG THE GAS TRANSMISSION LINE TO THE)
CITY.)

APPLICATION NO. 24027

RECOMMENDED DECISION OF
HOWARD S. BJELLAND,
COMMISSIONER.

December 19, 1969

Appearances: Lee, Bryans, Kelly & Stansfield
by
Donald D. Cawelti, Esq., Denver,
Colorado, for Applicant;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of
the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed by Public Service Company of Colorado on October 17, 1969. By this application Applicant seeks an order of the Commission for a certificate of public convenience and necessity to exercise franchise rights in the City of Monte Vista, County of Rio Grande, State of Colorado, for the generation, production, manufacture, purchase, storage, exchange, transmission and distribution of electrical energy and gaseous fuels and to distribute and sell gas in the area contiguous thereto and along the gas transmission line to the City.

Upon due and proper notice to all interested parties, the matter was set for hearing on December 1, 1969, at 10 o'clock a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver.

Colorado, at which time and place the matter was heard by Commissioner Howard S. Bjelland to whom the matter was duly assigned. No one appeared at the hearing in opposition to the granting of the application. The matter was heard on a consolidated record with Applications 24024, 24025 and 24026.

At the conclusion of the hearing, the matter was taken under advisement.

The Hearing Commissioner transmits herewith the records and exhibits in this proceeding, together with his Recommended Decision and Recommended Order.

FINDINGS OF FACT

From the record herein, the Hearing Commissioner finds as fact that:

1. Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the generation, purchase, transmission, distribution and sale of electrical energy, and in the purchase, distribution and sale of gas at various points within the State of Colorado.
2. A certified copy of Applicant's Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.
3. On July 3, 1969, Ordinance No. 436, of the City of Monte Vista was passed and adopted by the City Council, submitting a franchise entitled:

"A FRANCHISE BY THE CITY OF MONTE VISTA, RIO GRANDE COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, PURCHASE, ACQUIRE, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY, PLANTS, WORKS, SYSTEMS AND FACILITIES FOR THE GENERATION, PRODUCTION, MANUFACTURE, PURCHASE, STORAGE, EXCHANGE, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, GASEOUS FUELS OR MIXTURES THEREOF, BY MEANS OF PIPES, MAINS, CONDUITS, WIRES, CABLES, POLES AND STRUCTURES, OR OTHERWISE, ON, OVER, UNDER, ALONG AND ACROSS ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, PUBLIC WAYS AND OTHER PUBLIC PLACES IN SAID CITY OF MONTE VISTA TO SELL, FURNISH AND DISTRIBUTE SAID PRODUCTS TO THE CITY AND THE INHABITANTS THEREOF; AND FIXING THE TERMS AND CONDITIONS THEREOF."

to the vote of the qualified taxpaying electors of the City at an election which was duly held on August 5, 1969. At said election said franchise was approved by a vote of 391 to 7. A copy of said franchise, together with copies of supporting documents, was attached to the application as Exhibit A. The said franchise is for a term of 20 years and, with certain exclusions, provides for a franchise consideration to be paid to the City in the amount of 2% of gross revenues.

4. Applicant obtains its natural gas for distribution and sale in Monte Vista from the Western Slope Gas Company, a wholly-owned subsidiary.
5. Applicant's existing facilities will be utilized in continuing said service. There is no other public utility in the business of distributing electricity or gas in said City of Monte Vista, and none supplying gas service in the contiguous area or along the gas transmission line to the City. Applicant serves 1,239 residential electric customers and 686 residential gas customers in the City, which is estimated to have a 1969 population of 4,750.
6. Public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado of the franchise rights granted in and by said Ordinance No. 436, of the City of Monte Vista for the generation, production, manufacture, purchase, storage, exchange, transmission and distribution of electrical energy and gaseous fuels in the City, and the distribution and sale of gas in the area contiguous thereto and along the gas transmission line to the City.

CONCLUSION

It is the conclusion of the Hearing Commissioner that the authorization sought in the application should be granted and that the following Order should be entered.

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado of the franchise rights granted in and by Ordinance No. 436 of the City of Monte Vista marked Exhibit A herein, which, by reference, is made a part hereof, for the generation, production, manufacture, purchase, storage, exchange, transmission and distribution of electrical energy and gaseous fuels or mixtures thereof by

Public Service Company of Colorado in said City and the distribution and sale of gas in the area contiguous thereto and within one (1) mile of the gas transmission line to the City, and this order shall be deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

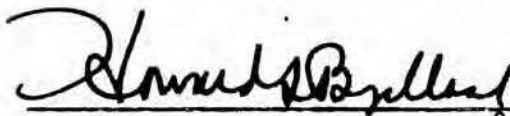
2. That Public Service Company of Colorado shall install, operate and maintain its electric and gas systems and supply service in the area heretofore designated in accordance with its schedules of rates, classifications, rules and regulations now on file with this Commission, or as the same may be changed according to law and the rules and regulations of this Commission.

3. That Public Service Company of Colorado shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices in accordance with the Rules Regulating the Service of Electric and Gas Utilities, in accordance with the Commission's requirements.

4. This Order shall be effective as of the date this Recommended Decision becomes the Decision of the Commission.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
vr