

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

HOME BUILDERS ASSOCIATION OF )  
METROPOLITAN DENVER, et al., )

Complainants, )

vs. )

PUBLIC SERVICE COMPANY OF )  
COLORADO, )

Respondent. )

CASE NO. 5921

RECOMMENDED DECISION OF  
EXAMINER LOYAL W. TRUMBULL

DISMISSING COMPLAINT

-----  
December 12, 1980  
-----

PROCEDURE AND RECORD

The above-captioned complaint against Public Service Company (Respondent) was filed with this Commission by Home Builders Association of Metropolitan Denver (Complainant) on April 11, 1980. On April 16, 1980, an Order To Satisfy Or Answer was served upon Respondent by the Executive Secretary of the Commission.

Such complaint alleged that Respondent's existing rates, charges, practices, rules, regulations and tariffs respecting construction advances and deposits, natural gas validation deposits and charges, and other related matters of concern to home builders, were unjust, unreasonable and discriminatory. On April 30, 1980, a motion to consolidate this matter with another matter (Application No. 32602) and for hearing of both matters by the Commission en banc was filed on behalf of Complainant. After various replies and counter-motions, the Commission, by Decision No. C80-1138, issued June 10, 1980, granted the motion to consolidate this matter with Application No. 32602 for purposes of hearing and denied the motion that the matters be heard by the Commission en banc. Respondent filed its Answer to the complaint on June 18, 1980. Although the matters were originally scheduled for hearing on June 27, 1980, a continuance to August 7 and 8, 1980, was ordered.

On June 27, 1980, a Petition To Intervene was filed on behalf of Colorado Energy Advocacy Office (CEAO), which was granted by Decision No. C80-1319, issued July 1, 1980. On July 15, 1980, a similar motion was filed on behalf of CF&I Steel Corporation (CF&I), which was granted by Decision No. C80-1406, issued July 15, 1980.

By interim order dated July 31, 1980, these matters were consolidated with a third matter, being Application No. 32845, for purposes of hearing.

The three matters were called for hearing as scheduled, but hearing was then ordered continued to September 11 and 12, 1980, at the joint request of Complainant and Respondent so that settlement prospects might be pursued. On August 15, 1980, counsel for Complainant filed a Notice of Termination of Settlement Negotiations.

The matters were called for hearing as scheduled on September 11, 1980, at 9 a.m., in the Commission Hearing Room, 500 State Services Building, 1525 Sherman Street, Denver, Colorado, at which time Complainant requested that Case No. 5921 be dismissed without prejudice, which motion was granted, with hearing of the other two matters being completed. In order to document such dismissal as a matter of record in the files of the Commission, it is recommended that the following Order be entered.

O R D E R

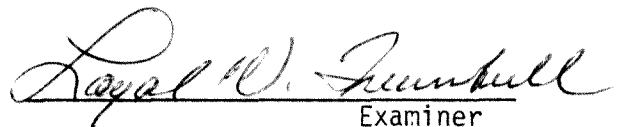
THE COMMISSION ORDERS THAT:

1. Case No. 5921, being the complaint of Home Builders Association of Metropolitan Denver against Public Service Company of Colorado, is hereby dismissed without prejudice.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 40-6-109, CRS 1973, 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 of time 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 provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

vc