

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
UNION RURAL ELECTRIC ASSOCIATION,)
INC., TO REOPEN THE PROCEEDINGS)
RESULTING IN DECISION NO. 63322)
AND FOR AN ORDER MODIFYING THAT)
DECISION SO THAT UNION IS ISSUED A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO EXCLUSIVELY SERVE)
ALL CUSTOMERS WITHIN ITS EXCLUSIVE)
TERRITORIES REGARDLESS OF ANNEXATION)
TO A MUNICIPALITY SERVED BY PUBLIC)
SERVICE COMPANY OF COLORADO UNDER)
A FRANCHISE.)

APPLICATION NO. 37131

COMMISSION NUNC PRO TUNC ORDER

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July 24, 1987
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STATEMENT AND FINDINGS

BY THE COMMISSION:

On July 8, 1987, the Commission entered Decision No. C87-950 granting a joint motion filed on June 2, 1987, by Union Rural Electric Association, Inc. (Union), and Public Service Company of Colorado (Public Service). The joint motion requested that the Commission enter an order amending prior Decision No. 63322, and upon entry of the order, for termination of Application No. 37131 with prejudice.

On July 16, 1987, Union filed a motion to correct errata and omissions. By this motion to correct Decision No. C87-950, Union states that there is a typographical error to the application number on page 5 and an incorrect reference to Union's board on page 9 of the decision. The Commission finds that these two typographical errors should be corrected, and the Commission will so order.

Union also states in its motion to correct, that ordering paragraph 2 in Decision No. C87-950 at page 11 is not clear as to the effective date of the amendment of Commission Decision No. 63322. Union requests that the Commission add language to that ordering paragraph which explicitly states that Decision No. 63322 is amended nunc pro tunc as of February 2, 1987. The Commission finds that it intended to

delete paragraphs 5 and 6 of Article 1 of the agreement dated April 20, 1984, between Public Service and Union nunc pro tunc as of February 2, 1987. Accordingly, the Commission will grant Union's motion and will modify ordering paragraph 2 as requested, and will waive response time.

The Commission also notes that the word "Recommended" should be inserted before the word "Decision" in the second paragraph on page 2 of Decision No. C86-950. The words "Recommended Decision" should be inserted after the word "Accordingly," in the ninth line of the last paragraph on page 2 and after the word "of" in the first line of the first paragraph on page 3. In addition, on page 10 of Decision No. C87-950, there are two paragraphs numbered "15." The second paragraph numbered "15" should be changed to read "16."

THEREFORE THE COMMISSION ORDERS THAT:

1. Paragraph 3, Findings of Fact and Conclusions Thereon, of Decision No. C87-950, third line, is corrected, nunc pro tunc as of July 8, 1987, to replace Application No. 30427 with Application No. 20427. Paragraph 13(f), second line, page 9 of Decision No. C87-950 is corrected, nunc pro tunc as of July 8, 1987, to replace Union's board with Union's members.

2. Ordering paragraph 2 contained in Decision No. C87-950 is corrected, nunc pro tunc as of July 8, 1987, to state:

2. Commission Decision No. 63322 issued July 20, 1964, is amended nunc pro tunc as of February 2, 1987, so as to delete paragraphs 5 and 6 of Article 1 of the agreement dated April 20, 1964, between Public Service Company of Colorado and Union Rural Electric Association, Inc.

3. Commission Decision No. C87-950 is corrected, nunc pro tunc as of July 8, 1987, as follows:

the word "Recommended" should be inserted before the word "Decision" in the second paragraph on page 2. The words "Recommended Decision" should be inserted after the word "Accordingly," in the ninth line of the last paragraph on page 2 and after the word "of" in the first line of the first paragraph on page 3. In addition, on page 10 there are two paragraphs numbered "15." The second paragraph numbered "15" should be changed to read "16."

4. Response time to the motion to correct errata and omissions filed on July 16, 1986, by Union Rural Electric Association, Inc., is waived.

This Order is effective forthwith.

DONE IN OPEN MEETING the 24th day of July 1987.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Andy Schmitt
Ronald L. Lehn
Commissioners

CHAIRMAN ARNOLD H. COOK ABSENT.

MRH:JEA:saw0150o:jkm