

(Decision No. R88-437-I)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE REMAND OF	)	
HOME BUILDERS ASSOCIATION OF	)	APPLICATION NO. 32602-Reopened
METROPOLITAN DENVER v. PUBLIC	)	
UTILITIES COMMISSION OF THE	)	
STATE OF COLORADO AND PUBLIC	)	INTERIM ORDER OF
SERVICE COMPANY OF COLORADO:	)	EXAMINER JOHN B. STUELPNAGEL
CIVIL ACTION NO. 82 CV 1747,	)	
DIVISION 9, DENVER DISTRICT	)	
COURT, CITY AND COUNTY OF DENVER,	)	
DENVER, COLORADO.	)	

- - - - -
April 15, 1988
- - - - -

STATEMENT

By Decision No. R88-323-I, issued March 22, 1988, hearing in the above captioned matter, scheduled for March 14 and 15, 1988, was vacated. The City of Lakewood was directed to provide to the Commission available dates on the Commission calendar and acceptable to all remaining parties in this proceeding for further hearing in this matter. Furthermore, the withdrawal from this proceeding by the City of Aurora was accepted. Prior to the issuing of Decision No. R88-323-I, a Petition for Declaration of Rights was filed by the City of Lakewood requesting an order declaring that the refund plan approved by the Commission requires Public Service Company of Colorado to refund 100 percent of all amounts collected under its Advice Letter No. 842 street and area lighting tariffs during the refund period of December 4, 1981 through April 30, 1986, and accordingly ordering the company to pay to Lakewood the amount of \$73,997 plus interest from April 21, 1987 until date of payment at the customer deposit rate in effect during 1987 as per paragraph 24 of the Refund Plan.

A Motion in Limine to Exclude the Testimony of Joseph Heckendorn and David Carlson was filed by the City of Lakewood on March 3, 1988. This motion was denied by Decision No. R88-323-I. A Motion to Toll Response time to Motion in Limine filed March 17, 1988, by Public Service Company of Colorado should be denied as the same is now moot.

On April 6, 1988, the City of Lakewood filed a Motion for Permanent Vacation of Hearing Dates stating the parties resolved issues currently in dispute and the settlement was approved by resolution of the Lakewood City Council on March 21, 1988. This motion should be granted and the Petition for Declaration of Rights filed February 23, 1988, by the City of Lakewood should be denied as the same is now moot. An appropriate order will be entered.

ORDER

THE EXAMINER ORDERS THAT:

1. The Petition for Declaration of Rights filed February 23, 1988, by the City of Lakewood is denied.
2. The Motion to Toll Response Time to Motion in Limine filed March 17, 1988, by Public Service Company of Colorado is denied.
3. The Motion for Permanent Vacation of Hearing Dates filed April 6, 1988, by the City of Lakewood is granted.
4. This Order is effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

JBS:ym:7027J