

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE JOINT)
APPLICATION OF UNITED POWER, INC.,)
AND PUBLIC SERVICE COMPANY OF)
COLORADO TO TRANSFER CERTIFICATES)
OF PUBLIC CONVENIENCE AND NECESSITY)
FOR THE PURCHASE, TRANSMISSION,)
DISTRIBUTION, AND SALE OF)
ELECTRICITY FOR PORTIONS OF ADAMS)
AND WELD COUNTIES, COLORADO, AND)
FOR CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY TO UNITED)
POWER, INC., FOR THE SAME PURPOSES)
TO EXERCISE FRANCHISE RIGHTS IN THE)
CITY OF COMMERCE CITY, ADAMS)
COUNTY; THE CITY OF FT. LUPTON,)
WELD COUNTY; THE TOWN OF HUDSON,)
WELD COUNTY; AND THE TOWN OF)
KEENESBURG, WELD COUNTY, ALL IN THE)
STATE OF COLORADO.)

DOCKET NO. 90A-488EF

ORDER CLARIFYING CERTIFICATE
OF PUBLIC CONVENIENCE AND
NECESSITY TO EXERCISE
FRANCHISE RIGHTS

March 20, 1991

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

On August 9, 1990, Public Service Company of Colorado (Public Service) and United Power, Inc. (United), filed a joint application seeking authority to transfer certain certificates of public convenience and necessity and for the purchase, transmission, distribution, and sale of electricity for portions of Adams and Weld Counties. Included within the joint application was a request for the transfer to United of that part of Commerce City's electric franchise granted to Public Service in order that United may provide electric service to those parts of Commerce City lying north of a line north of a particularly described line. On September 26, 1990, the Commission issued its Decision No. C90-1317, wherein the Commission approved the overall territorial transfer, including the partial assignment by Public Service to United of its franchise for a portion of Commerce City which was subject to approval by Commerce City.

On or about January 17, 1991, after having received the approval of Commerce City, Public Service and United filed their request for issuance of a certificate of public convenience and necessity to United

for authority to exercise franchise rights in the subject portion of Commerce City. On February 6, 1991, the Commission issued its Decision No. C91-149 wherein the request for a certificate of public convenience and necessity to exercise franchise rights in Commerce City by United was granted.

On February 22, 1991, Public Service and United filed a Motion for Clarification of Certificate of Public Convenience and Necessity to Exercise Franchise Rights, wherein they indicated that the description of the Commerce City transfer area as provided by the parties in their January 17, 1991, request did not, by itself, define an area within which United would serve under the franchise rights granted to it by Commerce City. More specifically, the parties stated that the description referred to only a line, rather than to a defined territory. In order to correct this deficiency, Public Service and United requested that the Commission issue an order clarifying the certificate of public convenience and necessity issued by it in Decision No. C91-149 so as to specifically state that the Commerce City transfer area is intended to consist of all of those parts of Commerce City lying north of the line described in Appendix A to said decision.

Based on its review of this docket and being fully advised in the premises, the Commission finds that the motion of Public Service and United for clarification of Certificate of Public Convenience and Necessity to Exercise Franchise Rights should be granted.

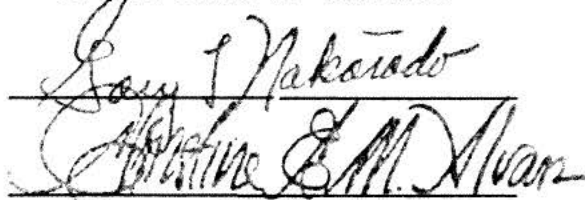
THEREFORE THE COMMISSION ORDERS THAT:

The Motion for Clarification of Certificate of Public Convenience and Necessity filed by Public Service Company of Colorado and United Power, Inc., is granted. The certificate of public convenience and necessity issued to United Power, Inc., by the Commission in Decision No. C91-149 is hereby clarified so as to make clear that United Power, Inc., is hereby issued a Certificate of Public Convenience and Necessity to Exercise Franchise Rights for the purchase, transmission, distribution, and sale of electricity for that portion of Commerce City as set forth in corrected Appendix A to this Order.

This Decision is effective immediately.

DONE IN OPEN MEETING March 20, 1991.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN ARNOLD H. COOK ABSENT.

SDR:srs:3544J

Corrected Exhibit A

COMMERCE CITY TRANSFER AREA

All those parts of Commerce City lying north of the following described line: Commencing at the Southwest Corner of Section 8, Township 2 South, Range 67 West of the 6th p.m.; thence easterly along section lines to the Northwest Corner of Section 15, Township 2 South, Range 67 West; thence southerly along the west section line of said Section 15 to the Southwest Corner of said Section 15; thence easterly along the south section line of said Section 15 to the Southeast Corner of said Section 15; thence southerly along the west section line of Section 23, Township 2 South, Range 67 West a distance of 30 feet; thence easterly along a line parallel with and 30 feet southerly of the south section lines of Sections 14 and 13, Township 2 South, Range 67 West and Sections 18 and 17, Township 2 South, Range 66 West of the 6th p.m. to a point one-quarter mile west of the east section line of Section 20, Township 2 South, Range 66 West of the 6th p.m. and 30 feet South of the north section line of said Section 20.