

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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{PRIVATE }IN THE MATTER OF THE)	
APPLICATION OF PUBLIC SERVICE COMPANY)	DOCKET NO. 90A-288G
OF COLORADO FOR AN ORDER APPROVING)	
APPLICANT'S PROPOSED GAS REFUND PLAN.)	
)	

**ORDER GRANTING "MOTION TO WITHDRAW
MOTION TO ALTER OR AMEND
COMMISSION DECISION NO. C92-229"**

Mailing Date: October 5, 1992
Adopted Date: September 9, 1992

This matter came on for consideration on the motion, "MOTION TO ALTER OR AMEND COMMISSION DECISION NO. C92-229", filed on August 4, 1992 by Public Service Company of Colorado, ("Public Service"). Subsequently, on September 3, 1992, Public Service filed a motion requesting the Commission to authorize Public Service to withdraw its previous motion to alter or amend commission Decision No. C92-229.

Public Service's request for alteration or amendment to commission Decision No. C92-229 pertains to unclaimed, undistributed monies for refund under a gas refund plan implemented by Decision No. C90-778, in this docket. Certain unclaimed and undistributed refund amounts under the "COMMISSION DECISION APPROVING PROPOSED GAS REFUND PLAN", Decision No. C90-778, remained at Public Service's filing of its "REPORT OF COMPLETION OF REFUND AND MOTION FOR AN ORDER REGARDING DISPOSITION OF THE

UNDISTRIBUTED BALANCE".

By commission order, Decision No. C92-229, the commission provided authorization for Public Service disposition of a certain percentage of the undistributed balance to the Colorado Commission on Low-Income Energy Assistance ("CEAF"). In accord with Commission Decision No. C92-229, on February 28, 1992, Public Service distributed the designated percentage of the remainder refunds to CEAF. Subsequently, House Bill 92-1120 became law, which increased the percentage of undistributed refund amounts which Public Service could pay to CEAF.

In response to House Bill 92-1120, Public Service offered its motion to alter or amend the decision, for allocating a different percentage for disbursement of the unclaimed refunds. In light of the remainder refunds being already distributed, the commission has questioned the legality of altering or amending its Decision C92-229 that ordered that distribution. In response, Public Service has filed its "MOTION TO WITHDRAW MOTION TO ALTER OR AMEND COMMISSION DECISION NO. C92-229".

THEREFORE THE COMMISSION ORDERS THAT:

1. The "MOTION TO WITHDRAW MOTION TO ALTER OR AMEND COMMISSION DECISION NO. C92-229" filed on September 4, 1992 by the Public Service Company of Colorado is hereby granted, whereby Public Service Company of Colorado is authorized to withdraw its "MOTION TO ALTER OR AMEND COMMISSION DECISION NO. C92-229".

2. This Order is effective immediately on its Mailing Date.

3. The 20-day time period provided for by C.R.S. §40-6-114(1) to file an application for rehearing, reargument or reconsideration begins on the first day after mailing or serving of this Decision and Order.

ADOPTED IN OPEN MEETING ON SEPTEMBER 9, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

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