

(Decision No. C86-1648)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CENTEL CORPORATION FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO EXERCISE RIGHTS UNDER A FRANCHISE)
GRANTED TO IT BY THE BOARD OF)
TRUSTEES OF THE TOWN OF ROCKY FORD,)
IN OTERO COUNTY, COLORADO.)

APPLICATION NO. 37999

ORDER OF THE COMMISSION
GRANTING CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO
EXERCISE FRANCHISE RIGHTS

- - - - -
December 8, 1986
- - - - -

STATEMENT

BY THE COMMISSION:

On October 27, 1986, Centel Corporation (Applicant) filed Application No. 37999 wherein it seeks a certificate of public convenience necessity to exercise franchise rights under a franchise granted by the Board of Trustees of the Town of Rocky Ford, in Otero County, Colorado, alternatively known as the City of Rocky Ford, and referred to herein as Rocky Ford.

Notice of the within application was given by the Commission on November 4, 1986, in accordance with § 40-6-108(2), C.R.S. No protest, objection, or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed. Accordingly, Application No. 37999 is non-contested and unopposed, and, under § 40-6-109(5), C.R.S., and Rule 17 of the Commission's Rules of Practice and Procedure, this application may be properly determined without the necessity of a formal oral hearing.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. Applicant is a public utility within the meaning of the Public Utilities Act of the State of Colorado, and is engaged in the business of generating electrical energy by steam power plants located at Pueblo, Pueblo County, Colorado; at Canon City, Fremont County, Colorado; and at Rocky Ford, Otero County, Colorado, and in transmitting and distributing such electrical energy by means of transmission and distribution lines in the Counties of Pueblo, Otero, Bent, Crowley, El Paso, Fremont, Teller, and Custer, in the State of Colorado, which electrical energy Applicant sells for light, heat, power, and all other purposes to which the same is applicable, either directly to consumers or wholesales the same to other public utilities for distribution and sale to consumers.

2. The principal office and post office address of Applicant is 115 West Second Street, Pueblo, Colorado 81003.

3. Applicant is a corporation organized and existing under the laws of the State of Kansas, and has been duly authorized to do business as a public utility in the State of Colorado, and is duly authorized and empowered by its Articles of Incorporation, as amended, among other things, to engage in the business aforesaid, and to do all the matters and things therein set forth. A true copy of the authorization of Applicant to do business in the State of Colorado is on file with this Commission and reference is hereby made thereto for a full statement of the objects and purposes for which Applicant was and is incorporated and of the business in which it is authorized to engage.

4. All steam power plants at Pueblo, Canon City, and Rocky Ford are interconnected by transmission lines, and together with the transmission and distribution lines, emanating and branching therefrom, for many years past have been owned and operated by Applicant and its predecessors in title. That among the communities which are, and for many years past have been, served by Applicant's system, is Rocky Ford, a municipal corporation, in the County of Otero, and the inhabitants of Rocky Ford, together with the inhabitants of the surrounding territory. Applicant serves 1,964 customers in Rocky Ford which has a population of about 4,673 people.

Rocky Ford is served with electrical energy by Applicant alone, and no other public utility has any plan or facilities for the generation of electrical energy or any line or lines for the transmission or distribution of electrical energy in Rocky Ford and its inhabitants have no means of securing electrical service save through and by means of the plants and lines of Applicant, and the public convenience and necessity of Rocky Ford, a municipal corporation, and its inhabitants, require the granting and exercise of the franchise rights set out in the ordinance and the continued maintenance and operation of its facilities, lines, plant, and system, and the extension thereof as needed, in order to supply electrical energy for light, heating, power, and all other purposes to Rocky Ford, a municipal corporation, and its inhabitants.

5. On August 12, 1986, after previous proceedings and publications in accordance with the applicable Colorado statutes and the ordinances of Rocky Ford in such case made and provided, the City Council of Rocky Ford, a municipal corporation, approved the adoption of Ordinance No. 628 granting to Applicant a franchise for electric lights, heating, power, and other purposes in Rocky Ford. The ordinance was approved by a vote of six in favor and one absent. A copy of the franchise ordinance, so approved along with a certificate of the Clerk of the City of Rocky Ford, a municipal corporation, and other required documents were marked as Exhibit "A" and attached to the application.

6. Applicant attached to its application, marked as Exhibit "B", a map generally showing the territory covered by Applicant's electrical generating and transmission system in the territory served thereby. Also attached to its application's Exhibit "C" which is a map

showing generally its transmission and distribution lines within Rocky Ford and the streets, alleys, and public places of Rocky Ford in, upon or along which it is proposed to exercise the right or privilege granted by the ordinance.

7. The written acceptance by Applicant of the ordinance was filed with the City Clerk on August 22, 1986, and a copy was attached to the application marked as Exhibit "D".

8. There is no other person, corporation, or municipality operating in, or supplying electrical energy, to Rocky Ford, as a public utility, for light, power, heating or other purposes, and Applicant will not compete with any other public utility in furnishing electricity in Rocky Ford or in the area adjacent thereto.

9. Applicant's present capital investment of Rocky Ford and the territory immediately tributary thereto is approximately \$4,755,524.

10. The information required under Appendix H, Paragraph IV.A. of the Commission's Rules of Practice and Procedure was included with the application and filed as follows: (Because the Applicant has been and is presently the supplier of electrical energy for Rocky Ford, a municipal corporation, some of Appendix H, Paragraph IV.A. information have been omitted.):

<u>ITEM NO.</u>	<u>CROSS REFERENCE</u>
1.	Introductory paragraph Exhibit 3 in Application No. 30669 - Securities; Exhibit 8 in Application No. 31203 - Securities; Exhibit 8 in Application No. 31914 - Securities; Exhibit 8 in Application No. 32482 - Securities; and Exhibit 6 in Application No. 33111 - Securities; and Exhibit 2 in Application No. 34946-Securities
2.	Exhibit B and C.
3.	Omitted; not applicable.
4.	Omitted; already on file with the Commission.
5.	Omitted, the Annual Report of Applicant for the year ending December 31, 1985. It was filed with the Commission April 1, 1986, and reference is made to said report.

6. Paragraph 8.
7. Competent evidence will be presented at the hearing to show qualifications of Applicant to conduct the utility operations sought in the application, and that public convenience and necessity requires the granting of the application.
8. Paragraph 4 and Exhibits A and D hereto.
9. Omitted; not applicable.

11. A Notice, a copy of which was submitted with the application and Exhibit "E", was published in the Rocky Ford Daily Gazette, a newspaper of general circulation in Rocky Ford, and in the service area of the Applicant, in accordance with Rule 18-11.A. of the Commission's Rules of Practice and Procedure.

CONCLUSIONS ON FINDINGS OF FACT

The granting of this application is in the public interest.

THEREFORE THE COMMISSION ORDERS THAT:

Centel Corporation is granted a certificate of public convenience and necessity authorizing it:

- a. To exercise its franchise right granted in and by Ordinance No. 628, identified as Exhibit "A" to its application, and by reference made a part of that application, and any renewals thereof; to erect and maintain an electric plant and system in the City of Rocky Ford, a municipal corporation, such rights as the public convenience and necessity will require;
- b. To erect and maintain its electric plant and furnish electricity and service in the area above designated in accordance with its schedules or rates, rules, and regulations now on file with this Commission or as the same may be changed according to law and the rules and regulation of this Commission; and
- c. To continue to maintain its books and accounts in accordance with the Uniform System of Accounts and continue to keep its practices in accordance with the Rules Regulating the Service of Electric Utilities, in accordance with the Commission requirements.

This Decision is effective forthwith.

DONE IN OPEN MEETING the 8th day of December 1986.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ronald L. Lehn

Edythe S. Miller

André Schmitt

Commissioners

JEA:lm:1642P:jkm