

(Decision No. C90-959)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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THE APPLICATION OF GREELEY GAS	)	
COMPANY FOR A CERTIFICATE OF	)	DOCKET NO. 90A-394F
PUBLIC CONVENIENCE AND NECESSITY	)	
TO EXERCISE FRANCHISE RIGHTS	)	COMMISSION DECISION GRANTING
IN THE TOWN OF CRESTED BUTTE,	)	APPLICATION TO EXERCISE
COUNTY OF GUNNISON, COLORADO.	)	FRANCHISE RIGHTS

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July 18, 1990  
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STATEMENT

BY THE COMMISSION:

On June 22, 1990, Greeley Gas Company (Greeley), filed Docket No. 90A-394F seeking a Commission order granting to it a certificate of public convenience and necessity to exercise franchise rights in the Town of Crested Butte, County of Gunnison, for the purchase, manufacture, distribution, and sale of natural gas, either natural, artificial, or mixed. Notice of the application was given by the Commission to all interested persons, firms, and corporations on June 26, 1990. Also newspaper notice of the application was published in The Crested Butte Chronicle Pilot in accordance with Rule 55(c)(14) of the Commission's Rules of Practice and Procedure. No motions to intervene or protests have been filed with this application and it is unopposed and noncontested. Accordingly, it may be determined without the necessity of a formal oral hearing in accordance with § 40-6-109(5), C.R.S., and Rule 24 of the Commission's Rules of Practice and Procedure.

FINDINGS OF FACT

1. Greeley is an operating public utility subject to the jurisdiction of this Commission and is engaged in the purchase, distribution, and sale of natural gas in various areas in the State of Colorado, inter alia. All operations conducted by Greeley under the certificate of public convenience and necessity sought herein, shall be conducted under the name of Greeley Gas Company.

2. Greeley is a Colorado corporation. A certified copy of Greeley's Restated Articles of Incorporation, with all amendments thereto, is on file with the Commission.

3. Greeley requests the Commission to issue an order granting to it a certificate of public convenience and necessity to exercise franchise rights in the Town of Crested Butte, Colorado, in accordance

with Franchise Ordinance No. 10, Series of 1990, which was passed and adopted by the Town Council of Crested Butte on June 18, 1990.

4. Greeley, by this application, requests authority to distribute and sell gaseous fuel for the benefit of its customers in the Town of Crested Butte. As such, the public convenience and necessity will be served and the public interest requires the exercise of the franchise rights sought in Greeley's application.

5. Greeley will obtain natural gas, through sale or transportation, for service under the franchise from WestGas Supply Company (WestGas), when WestGas transmission facilities to the area are completed. Assuming no force majeure events as defined in the franchise, Greeley will have mains as shown on the map attached to its application completed in the Town by November 30, 1990.

6. Greeley's Balance Sheet dated December, 1989, Income Statement dated December, 1989, and Statement of Returned Earnings dated December, 1989, are submitted in lieu of a feasibility study. A schedule of customer sign ups and load projections for the Towns of Crested Butte and Mt. Crested Butte is also submitted for years 1-15 of the franchise.

7. Greeley's tariffs currently on file with this Commission will be utilized for service under this application. A copy of the applicable tariff was attached to the application.

8. Salgas, Inc., of Crested Butte (Salgas), is currently authorized to serve propane fuel in the Town. Salgas desires to abandon its propane system and is, therefore, unwilling or unable to serve Crested Butte.

9. Due to the exigencies associated with Greeley's need to begin immediately the construction of its distribution system if it is to have mains in place by November 30, 1990, as agreed in the franchise ordinance, Article IX §1B, Greeley requested that the notice pursuant to Rule 63 of the Commission's Rules of Practice and Procedure be shortened to ten days which the Commission agreed to do.

10. In support of its application and in accordance with the Commission's Rules of Practice and Procedure, Greeley submitted the following:

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Exhibit No. 1 is a copy of the Franchise Ordinance which passed on first and second readings. The executed document will be submitted to the Public Utilities Commission in compliance with Rule 55(c)(14) as soon as it is received.

Exhibit No. 2 is a copy of the Acceptance of the Franchise by Greeley which will be submitted as soon as it is executed, in compliance with Rule 55(c)(14).

Exhibit No. 3 is a Balance Sheet of Greeley as of December, 1989, in compliance with Rule 55(c)(7).

Exhibit No. 4 is a Statement of Income and a Statement of Retained Earnings of Greeley for the twelve months ended December, 1989, in compliance with Rule 55(c)(8).

Exhibit No. 5 is a copy of the "NOTICE OF APPLICATION TO EXERCISE RIGHTS AND PRIVILEGES UNDER A FRANCHISE BY GREELEY GAS COMPANY, 1301 PENNSYLVANIA STREET, DENVER, COLORADO 80203," which was to be published contemporaneously in the Town, in accordance with Rule 55(d) of the Commission's Rules of Practice and Procedure.

Exhibit No. 6 will be submitted as soon as it is available from Crested Butte Chronicle Pilot. It is a copy of the Affidavit of Publication from the Town showing proof of publication after adoption of the Franchise Ordinance, in compliance with Rule 55(c)(14) of the Commission's Rules of Practice and Procedure.

Exhibit No. 7 is a copy of the schedule of customer sign ups and load projections for the Towns of Crested Butte and Mt. Crested Butte.

Exhibit No. 8 is a copy of the rate tariff under which the Town will be served.

Exhibit No. 9 is a map showing current Town boundaries and the planned route of Greeley's gas distribution facilities to be completed by November 30, 1990.

11. Greeley has the financial ability and is qualified and competent to conduct the utility operations sought in its application.

12. In accordance with Rule 55(c)(14), Greeley states that the approximate population of the Town of Crested Butte is 1200, and the number of gas customers in December of 1990 is estimated to be 132. Potential gas customers in the initial year of the franchise are estimated to be 200.

#### CONCLUSIONS ON FINDINGS OF FACT

The Commission, based upon the above findings, concludes that the application is in the public interest and should be granted.

#### THEREFORE THE COMMISSION ORDERS THAT:

1. Greeley Gas Company is authorized to exercise franchise rights in the Town of Crested Butte, County of Gunnison, State of Colorado, for the purchase, manufacture, distribution, and sale of gas, either natural, artificial, or mixed, in Crested Butte in accordance with Ordinance No. 10, Series 1990, adopted by the Town Council of the Town of Crested Butte, on June 18, 1990, and this Decision and Order shall be a certificate of public convenience and necessity therefor.

This Order is effective immediately.

DONE IN OPEN MEETING July 18, 1990.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Armed H. Cook*

*Ronald L. Lehn*

*Larry J. Nakarado*  
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