

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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; AND THE TOWN OF)
KEENSBURG, WELD COUNTY, ALL IN THE)
STATE OF COLORADO.)

DOCKET NO. 90A-488EF-Amended

COMMISSION ORDER GRANTING
APPLICATION FOR CERTIFICATE
OF PUBLIC CONVENIENCE AND
NECESSITY TO EXERCISE FRANCHISE
RIGHTS IN THE CITY OF
COMMERCE CITY

February 6, 1991

STATEMENT, FINDINGS, AND ORDER

BY THE COMMISSION:

United Power, Inc. (United), and Public Service Company of Colorado (PSCo) (collectively referred to as Applicants) filed with the Commission on January 17, 1991, an application for the issuance of a certificate of public convenience and necessity to United to exercise franchise rights in a portion of the city of Commerce City, Adams County, Colorado, to purchase, transmit, distribute, and sell electricity, as more fully described in Exhibit A to the application. The application is filed in accordance with Commission Decision No. C90-1317 issued on September 26, 1990, in this docket whereby the Commission ordered in paragraph 6 thereof that a partial assignment by PSCo to United of PSCo's franchise for the provision of electric service in a particularly identified portion of the City of Commerce City was granted conditioned upon the approval of the City of Commerce City on or before 12 months from the effective date of the order, and upon said approval the Commission would issue a certificate of public convenience and necessity. Ten days' notice of the application was given by the Commission on January 18, 1991. No motions or petitions to intervene in opposition to the application have been received by the Commission, and the application is noncontested and unopposed. Accordingly, the

Commission may determine the application without hearing pursuant to § 40-6-109(5), C.R.S.

The City of Commerce City passed and finally adopted on November 5, 1990, Ordinance No. 912 approving the partial assignment by PSCo to United, and the ordinance was published in The Commerce City Express on November 6, 1991, according to the affidavit of publication attached to the application as Exhibit C.

Based on its review of this docket and being fully advised in the premises, the Commission finds that the Applicants have complied with ordering paragraph 6 of Commission Decision No. C90-1317 and have shown that the public interest will be served by the granting of the application.

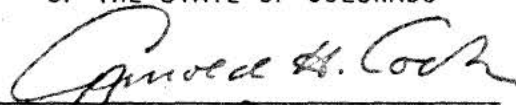
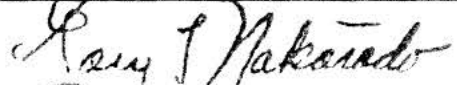
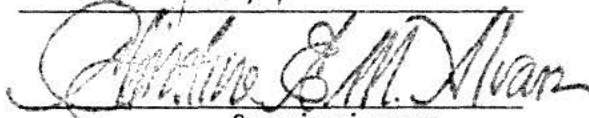
THEREFORE THE COMMISSION ORDERS THAT:

The Joint Application of United Power, Inc., and Public Service Company of Colorado for the issuance of a Certificate of Public Convenience and Necessity to United Power, Inc., to exercise franchise rights for the purchase, transmission, distribution, and sale of electricity for a portion of the City of Commerce City, as set forth in Appendix A to this Order, is granted in accordance with this Order and with Commission Decision No. C90-1317.

This Decision is effective immediately.

DONE IN OPEN MEETING February 6, 1991.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

bmw:bmw:1074Z:srs

COMMERCE CITY TRANSFER AREA

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.