

(Decision No. C91-636)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF MOUNTAIN VIEW	)	DOCKET NO. 91A-292F
ELECTRIC ASSOCIATION, INC., FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	COMMISSION DECISION GRANTING
AND NECESSITY TO EXERCISE FRANCHISE)	)	APPLICATION FOR CERTIFICATE
RIGHTS IN PORTIONS OF THE CITY OF	)	OF PUBLIC CONVENIENCE AND
FOUNTAIN, COLORADO.	)	NECESSITY TO EXERCISE
	)	FRANCHISE RIGHTS

May 8, 1991

STATEMENT, FINDINGS OF FACT, AND CONCLUSIONS

BY THE COMMISSION:

On April 10, 1991, Mountain View Electric Association, Inc. (Mountain View), filed Docket No. 91A-292F seeking a Commission order granting to it a Certificate of Public Convenience and Necessity to exercise franchise rights in portions of the City of Fountain, Colorado. Notice of the application was given by the Commission on April 15, 1991, to all interested persons, firms, and corporations. No motions to intervene or protests have been filed to date, and the application is unopposed and uncontested. Accordingly, the application 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.

Mountain View is a Colorado corporation engaged in the purchase, transmission, distribution, and sale of electricity in the Counties of Arapahoe, Douglas, El Paso, Elbert, Lincoln, Pueblo, and Washington.

Mountain View requests that the Commission issue an order granting to it a certificate of public convenience and necessity to exercise franchise rights in portions of the City of Fountain, Colorado, in accordance with Ordinance No. 912 passed and adopted by the City Council of the City of Fountain, Colorado on March 26, 1991.

The franchise is granted for a term of 15 years expiring April 4, 2006, at a rate of three percent from the sale of electricity within the franchise area.

Mountain View has been providing electric service to customers in the franchise area which is included in its certificated territory as most recently determined by the Commission in Decision No. C88-88.

Mountain View seeks in its application to continue electric service to its customers in this area, which has been annexed by the City of Fountain, under the franchise granted by the City of Fountain. The public convenience and necessity require granting approval for the exercise of the franchise rights granted by the City of Fountain.

Mountain View is a member of Tri-State Generation and Transmission Association, Inc., from whom it purchases its electrical energy needs. Mountain View's tariffs under Colorado P.U.C. No. 1 Electric, currently on file with the Commission, will be used for service under the application.

Mountain View has the financial ability and is qualified and competent to conduct the utility operations sought under its application.

The Commission based upon its review of the application, and being fully advised in the premises, concludes that the application is in the public interest and should be granted.

THEREFORE THE COMMISSION ORDERS THAT:

Mountain View Electric Association, Inc., is authorized to exercise franchise rights for the purchase, transmission, distribution, and sale of electricity in the portion of the City of Fountain, Colorado as set forth in Appendix A of this Order, in accordance with Ordinance No. 912, passed and adopted by the City Council of the City of Fountain on March 26, 1991. This Decision shall be a certificate of public convenience and necessity therefor.

This Order is effective immediately.

DONE IN OPEN MEETING May 8, 1991.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward H. Cook
Gay J. Nakarado
Christine E. M. Nuan
Commissioners

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AREA COVERED BY FRANCHISE AGREEMENT
GRANTED BY THE CITY OF FOUNTAIN
TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.
BY ORDINANCE NO. 912 GRANTED MARCH 26, 1991

The area covered by the Franchise Agreement is described as follows:

A portion of the Southeast quarter of Section 22, and the Southwest quarter of Section 23, Township 15 South, Range 65 West of the 6th P.M., El Paso County, Colorado described as follows: Beginning at a point on the North right-of-way line of Peaceful Valley Road as described in Book 795, Page 377 of the records of said El Paso County, from which the Southeast corner of said Section 22 bears S 00°30'07" E a distance of 60.00 feet; thence S 88°42'08" W along the said northerly right-of-way line a distance of 300.00 feet; thence continue S 88°42'08" W along the said northerly right-of-way line, a distance of 259.90 feet to the Southeast corner of the tract of land described in Book 2745, Page 707 of the records of said El Paso County; (the following 2 courses are along the boundary of said tract of land) (1) thence N 13°33'35" W, a distance of 144.65 feet; (2) thence N 86°00'34" W, a distance of 170.00 feet to the Northeast corner of Lot 1 Peaceful Valley Country Club Estates Filing No. 1 as recorded in Plat Book X-2, Page 55 of the records of said El Paso County; (the following 6 courses are along the easterly boundary of said Peaceful Valley Country Club Estates Filing No. 1) (1) thence N 86°00'34" W, a distance of 176.92 feet; (2) thence N 88°40'32" W, a distance of 517.17 feet; (3) thence N 05°22'23" E, a distance of 221.10 feet; (4) thence N 36°53'50" E, a distance of 62.80 feet; (5) thence N 78°15'49" E, a distance of 632.53 feet; (6) thence N 49°11'53" W, a distance of 577.56 feet to the Southeast corner of Lot B, replat of Lot 29 in Peaceful Valley Country Club Estates Filing No. 1 and a portion of Section 22 as recorded in Plat Book B-3, Page 12 of the records of said El Paso County; thence N 22°13'44" W along the easterly line of said Lot B, a distance of 180.61 feet; (the following 7 courses are along the easterly boundary of said Peaceful Valley Country Club Estates Filing No. 1) (1) thence N 13°56'26" E, a distance of 171.73 feet; (2) thence N 03°35'39" E, a distance of 291.67 feet; (3) thence N 33°25'41" E, a distance of 210.51 feet; (4) thence N 16°30'43" E, a distance of 182.86 feet; (5) thence N 48°17'02" E, a distance of 279.89 feet; (6) thence N 20°53'37" W, a distance of 128.16 feet; (7) thence N 87°19'29" W, a distance of 245.36 feet to the Southeast corner of the tract of land described in Book 2858, Page 285 of the records of said El Paso County; (the following 3 courses are along the boundary of said tract) (1) thence N 02°40'31" E, a distance of 20.00 feet; (2) thence N 87°19'29" W, a distance of 20.00 feet; (3) thence S 02°40'31" W, a distance of 20.00 feet to a point on the North line of Lot 47 of said Peaceful Valley Country Club Estates, Filing No. 1; (the following 4 courses are along the boundary of said Peaceful Valley Country Club Estates, Filing No. 1) (1) thence N 87°19'29" W, a distance of 20.00 feet; (2) thence N 45°20'15" W, a distance of 42.43 feet; (3) thence N 09°44'40" E, a distance of 263.78 feet;

(4) thence N 00°45'29" W, a distance of 40.00 feet; thence continue N 00°45'29" W, a distance of 2.00 feet to a point on the North line of the Southeast one quarter of said Section 22; thence N 89°21'16" E along said North line a distance of 1,142.38 feet to the quarter corner common to said Sections 22 and 23; thence N 89°35'01" E along the North line of the Southwest quarter of said Section 23 a distance of 2,130.21 feet; thence S 00°24'59" E along the westerly line of Lot 8, Block 9 Peaceful Valley Lake Estates First Filing as recorded in Plat Book L-2, Page 54 of the records of said El Paso County, and the northerly extension thereof a distance of 675.86 feet to a point on the southerly right-of-way line of Rolling Ridge Road as platted in said Peaceful Valley Lake Estates First Filing; (the following 5 courses are along the southerly and easterly right-of-way lines of said Rolling Ridge Road) (1) thence S 89°34'39" W a distance of 17.63 feet; (2) thence along the arc of a curve to the left having a radius of 370.00 feet a central angle of 32°21'12" and a length of 208.93 feet; (3) thence S 5°13'27" W a distance of 500.00 feet; (4) thence along the arc of a curve to the left having a radius of 370.00 feet, a central angle of 57°54'00" and a length of 373.90 feet; (5) thence S 00°40'33" E a distance of 1,289.82 feet to a point on the northerly right-of-way line of said Peaceful Valley Road; thence S 89°20'39" W along said northerly right-of-way line a distance of 1,118.04 feet; thence N 82°06'56" W along said northerly right-of-way line a distance of 202.36 feet; thence S 88°42'08" W along said northerly right-of-way line a distance of 3.98 feet to the point of beginning and containing 160.67 acres more or less.

Plus,

That portion of Sections 4 and 9, Township 17 South, Range 65 West, of the 6th P.M., El Paso County, Colorado, to-wit:

A portion of Pikes Peak Meadows Addition No. 2 as recorded in Plat Book C-4 Page 133, and all of Pikes Peak Meadows Addition #3 as recorded in Plat Book C-4 Page 134 of the records of El Paso County, Colorado, more particularly described as follows: Beginning at the Northeast corner of that tract of land described in Book 5029 at Page 1311 of the records of El Paso County, Colorado; thence westerly and southerly on the northerly and westerly lines of said tract for the following 5 courses; (1) thence S 89°16'30" W, 1,828.82 feet; (2) thence S 00°31'03" E, 1,294.32 feet; (3) thence S 01°06'02" E, 1,318.98 feet; (4) thence S 00°47'06" E, 21.22 feet; (5) thence S 15°49'50" E, 2,394.33 feet to a point on the southeasterly line of Parcel H as described in Book 5120 at Page 532 of said records; thence S 15°49'50" E, a distance of 1,680.00 feet to a point on the South line of Section 9, Township 17 South, Range 65 West of the 6th P.M., El Paso County, Colorado; thence N 87°50'32" E, a distance of 4,192.87 feet on the South line of said Section, thence N 02°55'13" W, a distance of 60.80 feet to a point on the westerly right-of-way line of U. S. Highway I-25; thence northwesterly on the said westerly right-of-way line for the following 11 courses; (1) thence N 37°07'13" W, a distance of 1,501.00 feet; (2) thence N 36°16'43" W, a distance of 256.50 feet; (3) thence on the arc of a curve to the right whose chord bears N 30°22'43" W, having a central angle of 08°29'00", a radius of 3,015.00 feet and an arc length of 446.41 feet; (4) thence N 24°28'43" W, a distance of 256.50 feet; (5)

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thence N 23°38'13" W, a distance of 572.80 feet; (6) thence N 33°21'43" W, a distance of 177.60 feet; (7) thence N 68°38'13" W, a distance of 212.10 feet; (8) thence N 21°52'13" W, a distance of 825.49 feet; (9) thence N 21°52'13" W, 150.01 feet; (10) thence N 11°32'43" W, 715.90 feet; (11) thence N 23°39'53" W, 4,527.97 feet to the Point of Beginning.