

Decision No. C01-1079

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01R-485EG

IN THE MATTER OF PROPOSED RULES ESTABLISHING PROCEDURES
GOVERNING APPEALS BROUGHT BY PUBLIC UTILITIES OR POWER
AUTHORITIES TO THE PUBLIC UTILITIES COMMISSION PURSUANT TO
SECTION 29-20-108, C.R.S.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: October 26, 2001

Adopted Date: October 26, 2001

I. BY THE COMMISSION

Statement

1. The Colorado Public Utilities Commission gives notice of proposed rulemaking regarding new Rules pertaining to an appeal process pursuant to § 29-20-108, C.R.S., that allows a public utility to appeal local government siting and building determinations for power plants and other facilities to the Public Utilities Commission in certain circumstances. A public utility may appeal a local government land use decision if the local decision will impair the ability of the public utility to provide safe, reliable, or economical service to the public and if the utility meets certain requirements as enumerated in § 29-20-108, C.R.S.

2. A copy of the new Rules is attached to this notice of proposed rulemaking. The statutory authority for the

proposed Rules is found within §§ 24-4-101, *et seq.*, 29-11-106, 29-20-108, 40-2-108, and 40-5-101, *et seq.*, C.R.S.

3. The Commission will conduct a hearing on the proposed rules and related issues at the below stated time and place. Interested persons may submit written comments on the rules and present these orally at hearing, unless the Commission deems oral presentations unnecessary. The Commission will also receive comment on the need for the new rules or whether current Rule 4 CCR 723-1-70 will accommodate the new procedures. The Commission also encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before the hearing, the Commission requests that such comments be filed ten days prior to the hearing date. The Commission will consider all submissions.

II. ORDER

A. The Commission Orders That:

1. This Notice Of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the November 10, 2001 edition of The Colorado Register.

2. A Hearing on the proposed rules and related matters shall be held before an Administrative Law Judge of the Commission as follows:

DATE: December 17, 2001

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Commission deems oral comments unnecessary.

3. Interested persons may file written comments in this matter before hearing. The Commission requests that such pre-filed comments be submitted at least ten days before the scheduled hearing. All submissions, whether oral or written, will be considered by the Commission.

4. This Order is effective immediately upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 26, 2001**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

POLLY PAGE

JIM DYER

Commissioners