

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-551FE

APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER
GRANTING TO IT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO
EXERCISE FRANCHISE RIGHTS IN THE TOWN OF CARBONDALE, COLORADO.

**DECISION GRANTING APPLICATION
TO EXERCISE FRANCHISE RIGHTS**

Mailed Date: January 20, 2004
Adopted Date: January 14, 2004

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On December 23, 2003, Public Service Company of Colorado (Public Service) filed an application seeking a Commission order granting it a certificate of public convenience and necessity to exercise franchise rights in the Town of Carbondale, Colorado (Town).

2. The Commission noticed the application on December 24, 2003 to all interested persons, firms, and corporations. Additionally, Public Service caused a notice of application to be published in *The Valley Journal* on December 25, 2003. No petition to intervene or notice of intervention has been filed, and thus the application is uncontested. Accordingly, the application will be determined without a formal hearing in accordance with § 40-6-109(5), C.R.S., and Rule 24 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

3. Public Service is a Colorado corporation operating as a public utility subject to the jurisdiction of the Commission and is engaged in, *inter alia* the generation, transmission,

purchase, distribution, and sale of electricity and the purchase, distribution, transportation, and sale of natural gas in various areas in the State of Colorado. All operations to be conducted by Public Service under the certificate of public convenience and necessity sought in the instant application shall be under the name of Public Service Company of Colorado.

4. Public Service requests that the Commission issue an order granting to it a certificate of public convenience and necessity to exercise franchise rights granted by the Town. Pursuant to Ordinance No. 29 Series of 1978, adopted January 15, 1979, the Town granted Public Service a 20-year franchise to provide electric service in the Town. Pursuant to Ordinance No. 1 Series of 1999, adopted January 26, 1999, the Town extended the franchise to February 14, 2000. Pursuant to Ordinance No. 1 Series of 2000, adopted January 11, 2000, the Town further extended the franchise to September 26, 2000. Pursuant to Ordinance No. 22 Series of 2000, adopted July 25, 2000, the Town extended the franchise to September 25, 2001. Pursuant to Ordinance No. 23 Series of 2001, adopted August 28, 2001, the Town extended the franchise to January 8, 2002. Pursuant to Ordinance No. 28 Series of 2001, the Town extended the franchise to January 28, 2003. Pursuant to Ordinance No. 3 Series of 2003, adopted January 28, 2003, the Town further extended Public Service's franchise to January 27, 2004.

5. As consideration for the franchise rights granted, Public Service is to pay to the Town a sum equal to 3 percent of all gross revenues received from the sale of electricity within the Town.

6. Holy Cross Rural Electric Association, the City of Aspen and the City of Glenwood Springs are other public utilities or other entities of like character providing similar services in or near the area involved in this application.

7. Public Service's electric tariff, currently on file with the Commission, will be used for service under this application.

8. Public Service has the financial ability and is qualified and competent to conduct the utility operations sought under its application. Accordingly, Public Service requests that the financial statements submitted as part of this application be accepted in lieu of a feasibility study.

9. The Commission finds that the application is in the public interest and should be granted.

II. ORDER

A. The Commission Orders That:

1. The application by Public Service Company of Colorado for a certificate of public convenience and necessity to exercise franchise rights in the Town of Carbondale, Colorado is deemed complete and granted.

2. Public Service Company of Colorado's request to accept the submitted financial statements as proof of sufficient financial ability to continue to provide utility service as prescribed, in lieu of a feasibility study, as permitted by Rule 55(c)(5), is granted.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners