

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-553FEG

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 DEL NORTE, COLORADO.

**DECISION GRANTING APPLICATION
TO EXERCISE FRANCHISE RIGHTS**

Mailed Date: January 15, 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 Del Norte, Colorado (Del Norte or 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 Del Norte Prospector* 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. The Board of Trustees for Del Norte on October 11, 1977, granted Public Service a 25-year franchise to provide electric and gas services in the Town. On October 11, 1989, pursuant to Ordinance No. 429, certain terms of the franchise agreement were amended. Pursuant to Ordinance No. 562, adopted October 9, 2002, the Town extended the term of the franchise agreement to April 9, 2003. Pursuant to Ordinance No. 571, adopted May 28, 2003, the town granted Public Service a further extension of its franchise to provide electric and gas service in the Town for a period not to exceed one year, to April 9, 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 and transportation of gas and electricity within the Town, excluding all revenues received from the sale of industrial gas and excluding all revenues received from the Town for electric and gas service furnished to it.

6. K N Energy and Colorado Natural Gas, Inc., 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 and gas tariffs, 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 Del Norte, 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