

Decision No. C04-0659

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-321W

IN RE: THE REJECTION OF TARIFF SHEETS FILED BY OCTAL RESOURCES, INC.,
DBA O'NEAL WATER WORKS, WITH ADVICE LETTER NO. 3.

ORDER REJECTING TARIFF SHEETS

Mailed Date: June 16, 2004

Adopted Date: June 16, 2004

I. BY THE COMMISSION

A. Statement

1. On June 15, 2004, Octal Resources, Inc., doing business as O'Neal Water Works (O'Neal Water Works) filed Advice Letter No. 3. O'Neal Water Works states that this filing is to implement a proposed water curtailment program to become effective June 17, 2004.

B. Findings of Fact

2. Rule 4 *Code of Colorado Regulations* (CCR) 723-12-57 requires a fixed utility proposing to change, abandon, discontinue, or curtail any jurisdictional service to file an application with the Commission, at least 30 days before the effective date of the proposed change, abandonment, discontinuance, or curtailment.

3. Rule 4 CCR 723-1-41.5 provides a procedure for a fixed utility, upon the filing of a formal application and specific Commission authorization, to change its tariffs upon less than 30 days' notice.

4. O'Neal Water Works failed to file any application seeking Commission authorization to implement its curtailment program. Being fully advised of the facts, the Commission will reject Advice Letter No. 3 filed by O'Neal Water Works.

II. ORDER

A. The Commission Orders That:

1. Advice Letter No. 3 and accompanying tariff sheet filed by Octal Resources, Inc., doing business as O'Neal Water Works on June 15, 2004, is rejected. Nothing in this Order prohibits Octal Resources, Inc., doing business as O'Neal Water Works from submitting an application to implement its proposed curtailment plan in a timely manner.

2. This Order is effective upon its Mailed Date.

B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING June 16, 2004.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER POLLY PAGE
ABSENT.