

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 00D-261G

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IN THE MATTER OF THE PETITION OF K N WATTENBERG TRANSMISSION, LLC, FOR A DECLARATORY ORDER THAT THE COLORADO PUBLIC UTILITIES COMMISSION HAS NO JURISDICTION OVER ITS DELIVERY LATERAL WHICH INTERCONNECTS WITH THE TRANSMISSION LINE OF COLORADO INTERSTATE GAS COMPANY AND IS USED TO DELIVER GAS TO TWO INDUSTRIAL USERS FOR WHOM THE LATERAL WAS BUILT.

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DOCKET NO. 00A-635G

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IN THE MATTER OF THE APPLICATION OF K N WATTENBERG TRANSMISSION LIMITED LIABILITY COMPANY FOR SUCH AUTHORITY AS MAY BE NECESSARY FOR THE COMMISSION TO ASSUME THE EXERCISE OF REGULATORY SUPERVISION OVER THE TRANSPORTATION OF INTERSTATE GAS THROUGH A FIVE-MILE LATERAL FROM AN INTERCONNECTION WITH THE TRANSMISSION PIPELINE OF COLORADO INTERSTATE GAS COMPANY TO TWO INDUSTRIAL CUSTOMERS LOCATED ON THE OUTSKIRTS OF THE CITY OF FORT MORGAN, COLORADO, INCLUDING: 1) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, 2) AUTHORIZATION TO PROVIDE SUCH SERVICE IN ACCORDANCE WITH EXISTING CONTRACT TERMS, CONDITIONS AND RATES, AND/OR 3) SUCH OTHER AUTHORITY AS THE COMMISSION MAY FIND TO BE NECESSARY OR DESIRABLE.

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**ORDER GRANTING APPLICATIONS FOR REHEARING,  
REARGUMENT, OR RECONSIDERATION**

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Mailed Date: June 30, 2004

Adopted Date: June 30, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of the Applications for Rehearing, Reargument, or Reconsideration (RRR) filed by K N Wattenberg Transmission Limited Liability Co.; Excel Corporation and Leprino Foods Company; the City of Fort Morgan; and Commission Staff. The applications request reconsideration of Decision Nos. C02-1224 and

C04-0510. Pursuant to the provisions of § 40-6-114(1), C.R.S., the Commission must act upon the applications within 30 days, or by July 7, 2004, or the applications will be deemed denied by operation of law. In order to preclude denial by operation of law, we grant the applications for RRR. The Commission will issue a future order ruling upon the merits of the applications. Additionally, the Commission, by future order, will rule upon Commission Staff's Motion for Leave to Late-File Application for Rehearing, Reargument, and Reconsideration.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Applications for Rehearing, Reargument, or Reconsideration filed by K N Wattenberg Transmission Limited Liability Co.; Excel Corporation and Leprino Foods Company; the City of Fort Morgan; and Commission Staff are granted consistent with the above discussion.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 30, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER JIM DYER ABSENT.