

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 99A-072E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR AUTHORIZATION UNDER § 40-3-104.3, C.R.S., TO PROVIDE
ELECTRIC SERVICE UNDER CONTRACT TO AIR LIQUIDE AMERICA CORPORATION.

ORDER GRANTING MOTION

Mailed Date: December 28, 2004
Adopted Date: December 21, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion to Extend the Electric Service Agreement Under § 40-3-104.3, C.R.S., for Air Liquide Until the Effective Date of the New Phase II Rates (Motion), filed by Public Service Company of Colorado (Public Service or Company) on December 2, 2004.

2. Public Service's current special contract with Air Liquide expires on December 31, 2004. Within the motion, Public Service indicates that it is likely that Air Liquide will change its service over to one of the Company's proposed interruptible rates in the Phase II docket. In the event the Commission substantially modifies the Company's proposed interruptible rates, Air Liquide may ask for another special contract.

3. Public Service states that if the Motion is not granted Air Liquide would face a large rate increase effective January 1, 2005 because it would be placed on either the existing TG or TI rate. Air Liquide contends that this cost increase would be disruptive to its operations and planning process. Public Service states that it wants to maintain its current good relationship

with Air Liquide because it operates at a high load factor and has had a very stable load over the years.

4. Under § 40-3-104.3 C.R.S., any shortfall between regular tariffed rates and the special contract price cannot be passed on to other ratepayers. Within the Motion, the Company states that for ratemaking purposes, Air Liquide will continue to be treated as if it paid the full tariffed rates as required by § 40-3-104.3, C.R.S.

5. No responses were filed to the motion.

B. Findings and Conclusions

6. The Commission finds that Public Service has demonstrated good cause to extend the special contract, and thus the Motion should be granted. We grant the Motion subject to the condition that Public Service shall have 30 days from an administratively final decision in the Company's pending Phase II case, Docket No. 04S-164E to either place Air Liquide on a standard tariff rate or file an application for a special contract under § 40-3-104.3, C.R.S., or a combination of both.

II. ORDER

A. The Commission Orders That:

1. The Commission grants the Motion to Extend the Electric Service Agreement Under § 40-3-104.3, C.R.S., for Air Liquide Until the Effective Date of the New Phase II Rates filed by Public Service Company of Colorado subject to the condition that Public Service Company of Colorado shall have 30 days from an administratively final decision in the Company's pending Phase II case, Docket No. 04S-164E to either place Air Liquide on a standard tariff rate or file an application for a special contract under § 40-3-104.3, C.R.S., or a combination of both.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 21, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners