

Decision No. R04-1410

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00C-615E

IN THE MATTER OF PUBLIC SERVICE COMPANY OF COLORADO QUALIFYING
FACILITY CAPACITY COST ADJUSTMENT REVISION.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
GRANTING STAFF'S UNOPPOSED
MOTION TO DISMISS CASE
AND TO CLOSE DOCKET**

Mailed Date: November 30, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On November 18, 2004, Staff of the Public Utilities Commission of the State of Colorado (Staff) filed a motion for an order dismissing the captioned show cause proceeding and to close the docket.

2. Staff states that by Commission Order No. C00-1274, mailed on November 15, 2000, the Commission initiated this docket.

3. This docket was initiated to investigate the appropriate percent at which Public Service Company of Colorado's Qualifying Facility Capacity Cost Adjustment (QFCCA) should be set.

4. Staff states in its Motion to Dismiss that the QFCCA no longer is in existence. Therefore Staff no longer wishes to pursue the matter and requests that an order be issued dismissing the case and closing the docket.

5. Counsel for Staff indicates that Public Service Company of Colorado does not oppose the motion.

6. It is found and concluded that the reasons stated by Staff in support of its Motion to Dismiss state good grounds and therefore the motion to dismiss the case should be granted.

7. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The motion of Staff of the Public Utilities Commission of the State of Colorado to dismiss the captioned case and to close docket is granted.

2. Docket No. 00C-615E is dismissed.

3. Docket No. 00C-615E is closed.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may

stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge