

Decision No. R04-1479

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-553EG

CCI DEVELOPMENT AND MANAGEMENT,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
DISMISSING COMPLAINT AND CLOSING DOCKET**

Mailed Date: December 14, 2004

Appearances:

James K. Tarpey, Esq., Denver, Colorado,

Timothy B. Woolley, Esq., Denver, Colorado, for Public Service
Company of Colorado.

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On October 27, 2004, CCI Development and Management, (Complainant) filed a complaint naming Public Service Company of Colorado (Public Service) as Respondent.

Complainant alleged that Respondent's utility bills were incorrect.

2. On October 28, 2004, the Commission issued an Order to Satisfy or Answer.

3. A hearing was set on the matter for December 10, 2004.

4. The hearing was called as scheduled.

5. As a preliminary matter James K. Tarpey, Esq. who appeared not as Complainant's attorney, but rather for the purposes of assisting Complainant, stated that the matter had been resolved. Mr. Tarpey stated that the parties were successful in negotiating a resolution of the case and that Complainant therefore wished to withdraw the complaint. Pastor Russell Porter, Sr., a representative of Complainant confirmed Complainant's desire to withdraw the complaint.

6. Complainant's request to withdraw the complaint was granted and the case was dismissed.

7. Pursuant to § 40-6-109(2), C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The request of CCI Development and Management to withdraw its complaint is granted.

2. Docket No. 04F-553EG is dismissed.

3. Docket No. 04F-553EG 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