



RUSSELL W. KEMP  
303 • 628 • 3624 (direct)  
rkemp@irelandstapleton.com

December 13, 2010

**VIA EMAIL, FACSIMILE, AND REGULAR MAIL**

Doug Dean  
Director and Custodian of Records  
Colorado Public Utilities Commission  
State of Colorado  
1560 Broadway, Suite 250  
Denver, CO 80202

David A. Beckett  
First Assistant Attorney General  
Public Officials/PUC Unit  
State Services Section  
1525 Sherman Street – 7th Floor  
Denver, CO 80203

Re: Colorado Open Records Act ("**CORA**") Request dated November 24, 2010 of  
Blanca Ranch Holdings, LLC and Trinchera Ranch Holdings, LLC (collectively,  
"**Trinchera Ranch**")

Dear Mr. Dean and Mr. Beckett:

I write with respect to the CORA request of Trinchera Ranch to the Colorado Public Utilities Commission ("**PUC**") referenced above. This letter constitutes written notice, pursuant to C.R.S. § 24-72-204(5), that we intend to file an application with the district court because our client has been denied the right to inspect any of the records requested in its CORA request. We sincerely hope that the filing of such an application is not necessary.

We have been in communication with Mr. Beckett, regarding the request. On December 2, 2010, Mr. Beckett, on behalf of the PUC, extended the deadline for production of the requested records by seven working days to December 10, 2010. No documents were produced on December 10, however, and no written statement setting forth grounds for the denial of the production was provided. On December 11, 2010, Mr. Beckett stated that "the PUC has determined that it is necessary to discuss the request publicly." We do not understand the basis for the PUC's actions and we do not believe that it comports with CORA. At this

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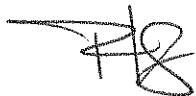
point, the PUC is in violation of CORA by failing to produce for inspection the requested records.

We have attempted unsuccessfully to contact Mr. Beckett today. We also continue to be willing to make reasonable accommodations to the PUC regarding production of the requested documents, as I discussed in a telephone conversation with Mr. Beckett on November 30, 2010. We have already confirmed with Mr. Beckett that there are likely entire categories of documents that the PUC does not have to produce (e.g., the hearing notes of the Administrative Law Judge, which we have no intention or desire to inspect). We also are willing to discuss a phased production of documents over a reasonable period of time if the volume is too large or difficult to manage. We continue to welcome discussion of reasonable procedures for production of documents; however, we insist that documents actually be produced, promptly, as required by CORA.

As I noted at the outset, we hope that the filing of an application with the district court is not necessary.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'RWK', with a stylized flourish at the end.

Russell W. Kemp

RWK/den

cc: Timothy R. Macdonald, Esq.