

Decision No. R14-0653-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0147T

IN THE MATTER OF THE APPLICATION OF THE CHAFFEE COUNTY EMERGENCY TELEPHONE SERVICE AUTHORITY TO ASSESS AN EMERGENCY TELEPHONE SURCHARGE RATE OF ONE DOLLAR AND FIFTY CENTS (\$1.50) PER SERVICE USER PER MONTH PURSUANT TO § 29-11-102(2)(B), C.R.S.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
REQUIRING PARTIES TO SUBMIT FILING**

Mailed Date: June 13, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On February 18, 2014, the Chaffee County Emergency Telephone Service Authority (Chaffee County) filed an application to assess an emergency telephone surcharge rate of \$1.50 per service user per month pursuant to § 29-11-102(2)(b), C.R.S.

3. Commission Staff (Staff) and the Colorado Office of Consumer Counsel (the OCC) timely intervened of right.

4. On March 19, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.

5. On April 8, 2014, the ALJ scheduled a hearing and established procedural deadlines based upon the parties' agreed-upon schedule. Decision No. R14-0372-I.

6. On April 22, 2014, Staff filed an unopposed “Motion to Extend Deadline for Filing Supplemental Direct Testimony” (first Motion). On April 23, 2014, by Decision No. R14-0427-I, the ALJ granted the first Motion and extended the deadline for Chaffee County to file supplemental direct testimony.

7. Chaffee County filed Supplemental Direct Testimony and exhibits on April 29, 2014 and on April 30, 2014.

8. On April 30, 2014, Staff filed an “Unopposed Motion to Extend Deadline for Filing Answer, Cross-Answer and Rebuttal Testimony” (second Motion). On May 1, 2014, by Decision No. R14-0459-I, the ALJ granted the second Motion and extended the deadlines set by Decision No. R14-0371-I.

9. On May 14, 2014, Staff filed an “Unopposed Motion to Modify Procedural Schedule” (third Motion). On May 15, 2014, the ALJ granted the third Motion, suspending all deadlines and vacating the June 18, 2014 hearing. Decision No. R14-0526-I. However, the ALJ ordered that the parties file any settlement reached by June 9, 2014. *Id.* The parties were required to answer any questions the ALJ has concerning their settlement by June 18, 2014. *Id.* This Decision will extend that deadline to allow the parties sufficient time to submit answers.

10. On June 2, 2014, Staff filed a “Joint Motion to Approve Stipulation and Settlement Agreement and for Waiver of Response Time” (Joint Motion). A Stipulation and Settlement Agreement (Stipulation) was filed as Exhibit 1 to the Joint Motion. The ALJ has reviewed the Stipulation and has several questions for the parties to answer.

11. First, pursuant to § 29-11-104(5), C.R.S., a copy of the audit report required by Part 6 of Article 1 of Title 29 shall be made available on the governing body’s website if the governing body has a website. The Stipulation does not state that the governing body has a

website and will post a copy of the audit report on it. The parties should address whether the governing body has a website, and if so, shall provide the address to that website and a statement indicating that a copy of the audit report will be available on the website.

12. Next, ¶ 16 (d) of the Stipulation provides a process to employ should Chaffee County need to use money from the capital reserve or sinking fund for unforeseen capital expenditures. In particular, it requires that Chaffee County provide the OCC and Staff with 30 days' advanced notice of the unforeseen capital expenditure. Staff and the OCC are given 30 days to object in writing to the expenditure. If Staff or OCC objects, Chaffee County shall file a motion to reopen the settlement agreement to obtain Commission approval before spending monies in the capital reserve or sinking fund. However, there is no timeframe provided for Chaffee County to file such a motion. The parties are required to submit an agreed-upon timeframe for Chaffee County to file such a motion.

II. ORDER

A. It Is Ordered That:

1. On or by June 20, 2014, the parties shall submit a filing that addresses the issues identified in ¶¶ 11-12, above. The parties may do so by submitting an amended Stipulation or a joint filing.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director