

Decision No. R14-1235-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0971EG

STEVE HORWITZ,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
DENYING MOTION TO DISMISS POSTING OF BOND**

Mailed Date: October 10, 2014

I. STATEMENT

1. On September 26, 2014, Complainant Steve Horwitz, filed a Complaint against Public Service Company of Colorado (Public Service).¹

2. By Decision No. R14-1186-I issued September 29, 2014, interim relief was granted on an expedited basis because it appeared disconnection was imminent. Public Service was ordered to provide service pending a hearing, subject to a condition.

¹ The Complaint named “Xcel” as the Respondent. Public Service conducts utility business in Colorado as a wholly-owned subsidiary of Xcel Energy, Inc., a public utility holding company. As a result, Public Service is the proper designation for the Respondent in this matter.

3. The Commission does have the authority to prohibit discontinuance of service pending resolution of a proceeding involving a dispute over utility charges upon such terms as the Commission deems reasonable, including the requirement that the complainant post a bond. *See* Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3-3408(b)(X) and Rules Regulating Gas Utilities and Pipeline Operators 4 CCR 723-4-4408(b)(X).

4. By Decision No. R14-1186-I, sufficient grounds were found to prohibit Public Service from discontinuing utility service subject to conditions. However, it was also noted that a requirement to post a bond may be reconsidered as additional information becomes available.

5. Public Service informally advised the Commission that the total outstanding balance due on Complainant's account as of October 1, 2014 is \$9,020.98. Based upon a rough approximation based upon current usage, the bill likely accrued for six months prior to the filing of the within Complaint.

6. Approximately eight months have passed between the time when consequences of the alleged conduct were known and the filing of the within proceeding. While delaying action, Complainant accrued a substantial balance due to Public Service.

7. Based upon this information Administrative Law Judge Adams modified the interim relief granted in Decision No. R14-1186-I.

8. By Decision No. R14-1195-I, issued October 1, 2014, Mr. Horwitz was required to post a \$5,000 bond to Public Service on or before October 10, 2014 at noon and paying all charges billed after the date of the Interim Decision for gas and electric service at the service

address of 1955 S. Bannock, Denver, Colorado 80210 during this proceeding in order to prevent Public Service from discontinuing utility service.

9. On October 9, 2014, Mr. Horwitz filed his Motion to Dismiss Contingency [*sic*] for Steve Horwitz Posting a \$5,000.00 Bond to Public Service on or Before Oct. 10, 2014 (Motion).

10. As grounds, Mr. Horwitz states that the bond is unjust and will cause a huge hardship.

11. Good cause is not found to grant the Motion. Mr. Horwitz fails to state how or why the bond is unjust or how this will cause a “huge hardship”. Mr. Horwitz provides only naked statements without any support.

12. The \$5,000.00 bond represents slightly more than half of the amount Public Service claims is the outstanding balance upon Mr. Horwitz’s account. There has been no showing that this amount is unjust.

II. ORDER

A. It Is Ordered That:

1. The Motion to Dismiss Contingency [*sic*] for Steve Horwitz Posting a \$5,000.00 Bond to Public Service on or Before Oct. 10, 2014 filed by Steve Horwitz on October 9, 2014 is denied.

2. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director