

Decision No. R14-1435-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 14V-0910E

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IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A DECLARATORY ORDER, OR IN THE ALTERNATIVE PETITION FOR WAIVER REGARDING THE APPLICATION OF DATA PRIVACY AND PERSONAL INFORMATION RULES.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
G. HARRIS ADAMS  
GRANTING INTERVENTIONS**

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Mailed Date: December 4, 2014

**I. STATEMENT**

1. On September 2, 2014, Public Service Company of Colorado (Public Service) filed a Petition for a Declaratory Order or Petition for Waiver (Petition).

2. By Decision No. C14-1155-I issued September 19, 2014, the Commission declines to accept the Petition for a Declaratory Order and noticed the Petition for Waiver. The intervention period established by the Commission expired on October 20, 2014.

3. In the petition, Public Service:

requests that the Commission ...fully waive the applicability of Rules 3026(b), 3028, 3030, and 3976 of the Customer Data privacy rules adopted in Docket No. 10R-799E (“Data Privacy Rules”) and Rule 1105 of the Personal Information rules adopted in Docket No. 12R-500ALL (“Personal Information Rules”) for disclosing Customer Data and Personal Information necessary for municipalities to audit Public Service’s payment of franchise fees to the municipalities.

Petition at 1.

4. By Decision No. R14-1340-I, issued November 5, 2014, Public Service was ordered to supplement the petition to identify all pending audits of franchise fees by

municipalities commenced prior to the filing of this proceeding and provide all outstanding requests by each respective municipality for information from Public Service that gave rise to this proceeding.

5. On November 20, 2014, Public Service filed information supplementing the request for waiver in response to Decision No. R14-1340-I.

6. The City of Arvada and the City of Westminster timely intervened of right.

7. On October 16, 2014, the Motion to Intervene of the City and County of Denver (Denver) was filed. Denver has a franchise agreement with Public Service relating to the provisioning of electricity, gas, steam, and chilled water within the City and County of Denver that requires payment of a franchise equal to 3 percent of Public Service's gross revenue from its sale or delivery of electricity, gas, steam, and chilled water within the City and County of Denver. Denver contends it is essential for municipal auditors to be able to review customer-specific information, including addresses and billed amounts in order to determine whether franchise fees are correctly charged, collected, and remitted. Further, it would be unnecessarily burdensome and time-consuming to require customer consents in such circumstances. As such, the outcome of the proceeding would "substantially affect the pecuniary or intangible interests"<sup>1</sup> of Denver as contemplated by 4 *Code of Colorado Regulations* 723-1-1401 of the Commission's Rules of Practice and Procedures.

8. On October 20, 2014, the City of Aurora's Motion to Intervene was filed similarly requesting intervention to protect its pecuniary or tangible interests in its franchise agreement with Public Service.

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<sup>1</sup> Denver Motion to Intervene at ¶ 6.

9. On October 20, 2014, the Motion to Intervene of the Colorado Communications and Utility Alliance (CCUA) was filed. CCUA is as a Colorado non-profit corporation. Its members, several governmental entities identified in the motion, protect the interests of their communities in all matters related to local telecommunications and utilities issues.

10. The scope of the requested waiver may affect the City of Aurora as well as several members of CCUA as to interests in their respective franchise agreements with Public Service, including the disclosure of information necessary for municipalities to audit certain franchise fees.

11. No responses were filed to the requests for permissive intervention. Based upon good cause shown for the unopposed requests, they will be granted.

**II. ORDER**

**A. It Is Ordered That:**

1. The Motion to Intervene of the City and County of Denver filed on October 16, 2014, is granted.

2. The Motion to Intervene filed by the City of Aurora on October 20, 2014, is granted.

3. The Motion to Intervene filed by the Colorado Communications and Utility Alliance on October 20, 2014, is granted.

4. Timely interventions of right by the City of Arvada and the City of Westminster are noted.

5. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director