

Decision No. R24-0620

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24F-0305EG

DWIGHT BORDELON,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**RECOMMENDED DECISION ACKNOWLEDGING
WITHDRAWAL, DENYING MOTIONS AS MOOT,
AND CLOSING PROCEEDING**

Issued Date: August 27, 2024

I. STATEMENT

1. On July 10, 2024, Dwight Bordelon (“Complainant”) filed a formal Complaint against Public Service Company of Colorado (“Respondent” or “Public Service”). That filing commenced this proceeding.

2. On July 11, 2024, Rebecca White, Director, served a copy of the Complaint together with an Oder requiring the Respondent to satisfy or answer said complaint within 20 days,

in accordance with § 40-6-108, C.R.S. An evidentiary hearing was scheduled for September 24, 2024.

3. On July 31, 2023, the above-captioned proceeding was referred by minute entry to an Administrative Law Judge (“ALJ”).

4. Also on July 31, 2024, Public Service filed its Motion to Dismiss.

5. By Decision No. R24-0573-I, issued on August 12, 2024, the ALJ vacated the September 24, 2024 evidentiary hearing and ordered that the hearing would be rescheduled contemporaneously, if necessary, with a ruling on the Motion to Dismiss.

6. On August 16, 2024, Public Service filed its Motion to Extend Response Time to Motion to Dismiss.

7. On August 21, 2024, the Notice of Withdrawal was filed by Complainant. The Notice of Withdrawal states that the concerns raised in this Proceeding have been addressed and Complainant withdraws the Formal Complaint.

8. Rule 1309(d) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 provides: “[a] party may withdraw an application or petition upon notification to the Commission and all parties 45 days before the first day of hearing.” Since no hearing is scheduled in this matter, Complainant timely provided notice of the withdrawal of the Complaint.

9. The ALJ acknowledges Complainant’s withdrawal of the Complaint.

10. Given that the Complaint is withdrawn, all other pending motions for relief will be denied as moot.

11. This Proceeding will be closed.

12. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

The Commission Orders That:

1. The withdrawal of the Formal Complaint filed by Dwight Bordelon against Public Service Company of Colorado (“Public Service”) on August 21, 2024 is acknowledged.
2. Public Service’s Motion to Dismiss filed on July 31, 2024 is denied as moot.
3. Public Service’s Motion to Extend Response Time filed on August 16, 2024 is denied as moot.
4. Proceeding No. 24F-0305EG is closed.
5. 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.
6. 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.

7. 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.

(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 "Rebecca E. White".

Rebecca E. White,
Director