

RESOLUTION BY THE TOWN OF LA JARA, RATIFYING PUBLIC SERVICE COMPANY OF COLORADO'S ACCEPTANCE OF THE ELECTRIC AND GAS FRANCHISE GRANTED BY THE TOWN OF LA JARA, CONEJOS COUNTY, COLORADO BY ORDINANCE NO. 1990-1.

No. 1990-6

WHEREAS, by Ordinance No. 1990-1, the Town granted a franchise for gas and electric service to Public Service Company of Colorado ("PSCo"); and

WHEREAS, pursuant to Article 19, Section 19.2, of the franchise, PSCo was required to file its written acceptance of the terms and conditions of said franchise within ten (10) days after adoption of the franchise by the Town; and

WHEREAS, the records of the Clerk of the Town indicate that said acceptance was not filed within the required time period; and

WHEREAS, the Town has received from PSCo its Statement of Intent, that its acceptance filed with the Clerk on or about August 2, 1990 represents PSCo's acceptance of the terms and conditions of the franchise effective from the date of adoption of said franchise by the Town and, further, that PSCo waives any rights it might have had under Article 19, Section 19.2, to declare the franchise null and void; and

WHEREAS, the Town, having reviewed the document submitted by PSCo now desires, in the furtherance of the public interest, to ratify the acceptance of PSCo.

NOW THEREFORE, BE IT RESOLVED, by the Town Board of Trustees of the Town of La Jara, Conejos County, Colorado, as follows:

1. Pursuant to Article 19, Section 19.2, of the franchise, the Town hereby approves PSCo's Statement of Intent regarding the acceptance of PSCo, and hereby ratifies said acceptance, said ratification to be effective upon the passage of this resolution by the Town Board of Trustees.

2. This ratification is with the complete understanding and agreement that the Town Board of Trustees waives its rights under the provision of Article 19, Section 19.2, to declare the franchise granted by the Town in Ordinance No. 1990-1 null and void.

3. The terms and conditions of the franchise granted to PSCo by Ordinance No. 1990-1 shall in no way be effected or modified except as expressly set forth herein.

RESOLVED AND PASSED this 13 day of Dec., 1990.

ATTEST:

TOWN OF LA JARA, COLORADO

Helen J. Witek  
City Clerk

By: James T. DeGolder  
Mayor

reso.004



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Public Service  
Company of Colorado  
P.O. Box 840  
Denver, CO 80201-0840

December 3, 1990

*12/3/90  
La Jara File*

The Honorable James DeGolyer, Mayor, and  
Members of the Town Board of Trustees  
P.O. Box 273  
La Jara, Colorado 81140

Re: Statement of Intent Regarding Franchise Rights

Dear Mr. DeGolyer and  
Members of the Town Board of Trustees:

It has come to our attention that Public Service Company of Colorado may have failed to file its acceptance of the gas and electric franchise granted by the Town of La Jara by Ordinance No. 1990-1 in a timely manner. Due to this fact, this letter hereby states PSCo's intention that its acceptance, as filed with the Town Clerk on or about August 2, 1990, shall be deemed to date back to the date of adoption of the franchise by the Town as required by Article 19, Section 19.2. In addition, this letter shall also serve as PSCo's statement of its intention to waive any rights it may have under Article 19, Section 19.2, to declare the franchise null and void.

PSCo hereby requests that the Town of La Jara put forth before the Town Board of Trustees the attached Resolution By The Town Of La Jara Ratifying Public Service Company of Colorado's Acceptance Of The Electric And Gas Franchise Granted By The Town Of La Jara , Conejos County, Colorado, By Ordinance No. 1990-1, to be effective upon passage of said resolution. Further, this resolution will in no way alter the term, effective date or any other provision of the franchise granted by the Town.

Very truly yours,

*Ross C. King, Jr.*  
Ross C. King, Jr.  
Vice President

TRO:mm  
frsi.004