

University of Colorado Law School

Colorado Law Scholarly Commons

Colorado Supreme Court Records and Briefs Collection

3-5-1980

City of Montrose v. Public Utilities Commission of State of Colo.

Follow this and additional works at: <https://scholar.law.colorado.edu/colorado-supreme-court-briefs>

Recommended Citation

"City of Montrose v. Public Utilities Commission of State of Colo." (1980). *Colorado Supreme Court Records and Briefs Collection*. 2815.

<https://scholar.law.colorado.edu/colorado-supreme-court-briefs/2815>

This Brief is brought to you for free and open access by Colorado Law Scholarly Commons. It has been accepted for inclusion in Colorado Supreme Court Records and Briefs Collection by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact rebecca.ciota@colorado.edu.

COMES NOW the Colorado Municipal League (the "League"), by and through its attorney, and respectfully moves this Court for leave to intervene as amicus curiae in the above-captioned case and to file a brief (which is conditionally submitted herewith) in support of the City of Montrose.

In support of this Motion, the League states:

- 1) The League is a non-profit association of two hundred twenty-nine Colorado municipalities.
- 2) The primary objective of the League is to aid in the improvement of municipal government, for the benefit of Colorado municipalities and their citizens.
- 3) The League's Executive Board, composed of municipal officials from throughout the State and selected by the League's members, authorized the filing of this Motion at its meeting of November 16, 1979.
- 4) The ability to make use of constitutional and statutory powers to franchise utilities, without undue interference from administrative agencies, is a matter of great importance to municipalities. The franchise power is a tool whereby municipalities facilitate the provision of vital utility services to their citizens (and to other utility customers), while maintaining necessary controls on the use of streets and other rights-of-way which are held by municipalities in trust for the public.
- 5) The above-captioned case involves an action by the Public Utilities Commission (the "Commission") which arbitrarily singles out the exercise of the municipal franchise power for burdensome treatment in the utility's billing process. The case also involves questions of administrative procedure which are of particular concern to municipalities, because of their position as entities which, although not the direct object of Commission regulation, may nevertheless be substantially affected by such regulation.
- 6) The League has on various occasions appeared before Colorado appellate courts as amicus curiae in cases of significant

interest to Colorado municipalities. Participation by the League in the above-captioned would provide the Court with a statewide perspective of the issues involved.

WHEREFORE, the League submits that it would be in the interest of the Court for the League to appear as amicus curiae in this case on behalf of its members, and respectfully requests the Court to grant this Motion and accept the brief submitted herewith.

Respectfully submitted,

Jane Roberts

JANE ROBERTS, No. 007427
General Counsel for the
Colorado Municipal League
4800 Wadsworth Blvd., Suite 204
Wheat Ridge, Colorado 80033
Telephone: 421-8630

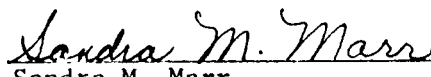
CERTIFICATE OF MAILING

I certify that copies of the foregoing Motion have been mailed to the following listed parties of record by first class mail, postage prepaid, this 5th day of March, 1980.

Eugene C. Cavaliere, Ass't. Attorney General
Consumers Section
1525 Sherman Street, Fourth Floor
State Services Building
Denver, Colorado 80203

John C. Thompson
Attorney for Rocky Mountain Natural Gas
Co., Inc.
420 Capitol Life Center
1600 Sherman Street
Denver, Colorado 80203

Mr. John Kappa
City Attorney
City of Montrose
PO Box 790
Montrose, Colorado 81401



Sandra M. Marr