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STATE OF COLORADO

EXECUTIVE CHAMBERS

136 State Capitol
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Roy Romer
Governor

E X E C U T I V E O R D E R

APPROVING THE APPOINTMENT OF COUNSEL IN LITIGATION INVOLVING THE COLORADO PUBLIC UTILITIES COMMISSION

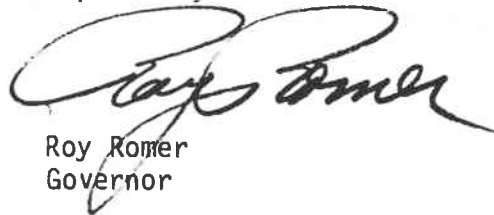
- WHEREAS, the U. S. Department of Energy has filed an Inconsistency Ruling Application (the "Application") with the U. S. Department of Transportation seeking a ruling that the Colorado Nuclear Materials Transportation Act of 1986 is inconsistent with Federal regulations, and a ruling that the following Colorado Rules of the Public Utilities Commission exceed the Federal Hazardous Materials Transportation Act and the Federal Hazardous Materials Regulations issued under the Federal Hazardous Materials Transportation Act; NT 3(a), NT-5(c)(5), NT-8(f), Appendix-A to the Colorado Rules, NT 9, NT 4, and NT 8(c); and
- WHEREAS, the State, the Department of Regulatory Agencies, and the Colorado Public Utilities Commission are required to respond to the application by September 23, 1988 or take other appropriate actions, and the failure to so respond may preclude any reply;
- WHEREAS, the Office of the Colorado Attorney General has undertaken the representation of the State, the Department of Regulatory Agencies, and the Public Utilities Commission on the Application; and intends to file appropriate legal and administrative actions to obtain a ruling that The Colorado Nuclear Materials Transportation Act of 1986, and the Public Utilities Commission rules entered thereunder, are not inconsistent with the Federal Hazardous Materials Transportation Act and the Hazardous Materials Regulations promulgated thereunder;
- WHEREAS, the Attorney General of the State of Colorado has determined that the assistance of an attorney specializing in nuclear materials and hazardous materials laws is needed to provide adequate representation in the highly complex and highly technical area of nuclear transportation law; and
- WHEREAS, the Executive Director of the Regulatory Agencies, the Colorado Public Utilities Commission, and the Attorney General have agreed that the Governor should appoint special counsel to represent the State of Colorado and that that special counsel will serve at the pleasure of the Public Utilities Commission.

EXECUTIVE ORDERAPPROVING THE APPOINTMENT OF COUNSEL IN LITIGATION
INVOLVING THE STATE OF COLORADO, THE DEPARTMENT OF REGULATORY
AGENCIES AND THE PUBLIC UTILITIES COMMISSION

NOW, THEREFORE, under and pursuant to the authority vested in me by the constitutional laws of the State of Colorado, I, Roy Romer, Governor of the State of Colorado, DO HEREBY FIND AND ORDER, that:

I authorize and approve the action of the Executive Director of the Department of Regulatory Agencies to appoint Florence J. Phillips, an attorney authorized to practice in the State of Colorado to serve as co-counsel and act as a special Assistant Attorney General in the aforementioned litigation and shall serve at the pleasure of the Colorado Public Utilities Commission.

GIVEN under my hand and the
Executive Seal of the State of
Colorado this 21st day of
September, 1988.



Roy Romer
Governor

