

Bond Case Briefs

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PUBLIC UTILITIES - COLORADO

City of Boulder v. Public Service Company of Colorado

Supreme Court of Colorado - June 18, 2018 - P.3d - 2018 WL 3014943 - 2018 CO 59

Utility supplier brought action against city, city council, and various elected officials, seeking judicial review of city ordinances related to city council's creation of light and power utility.

The District Court granted city's motion to dismiss for lack of subject matter jurisdiction due to time bar. Utility supplier appealed. The Court of Appeals vacated, and city petitioned for writ of certiorari.

The Supreme Court of Colorado held that:

- Utility supplier's complaint asserted a viable declaratory judgment claim against city, rather than simply a claim for judicial review of city's attempt to create a light and power utility, and
- Ordinance was a final action by city council for purposes of utility supplier's declaratory judgment claim, and thus, the trial court did not lack jurisdiction over the claim.