

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0213T

IN THE MATTER OF THE APPLICATION OF LIVE WIRE NETWORKS, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF COLORADO FOR THE LIMITED PURPOSE OF OFFERING LIFELIFE SERVICE TO QUALIFIED HOUSEHOLDS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
PARTIALLY GRANTING UNOPPOSED MOTION TO
VACATE PREHEARING CONFERENCE
AND SETTING DEADLINES**

Mailed Date: July 28, 2020

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only the procedural history necessary to understand this Decision is included. On May 22, 2020, Live Wire Networks, Inc. (Live Wire) initiated this matter by filing the above-captioned Application (Application) with the Public Utilities Commission (Commission).

2. Commission Trial Staff (Staff) properly intervened in this matter on June 25, 2020. Thus, Staff and Live Wire are the only parties to this proceeding.

3. In anticipation of the evidentiary hearing on the Application, the Administrative Law Judge (ALJ) scheduled a remote prehearing conference per Rule 1409(a), 4 *Code of Colorado Regulations* 723-1, of the Commission's Rules of Practice and Procedure for July 29, 2020 at 3:00 p.m. Decision No. R20-517-I issued July 15, 2020.

4. On July 28, 2020, Live Wire filed an Unopposed Motion to Vacate Prehearing Conference and Waive Response Time to the Motion (Motion). The Motion requests that the response time to it be waived because Staff does not oppose the Motion.

5. The ALJ finds that Live Wire has established good cause to waive the response time to the Motion; the response time will be waived. *See* Rule 1400(b), 4 CCR 723-1.

6. The Motion requests that the prehearing conference be vacated to allow the parties additional time to continue their fruitful discussions aimed at resolving the issues in this proceeding. The Motion also asks that the ALJ schedule a status conference for August 31, 2020, and states that before that date, the parties plan to propose a resolution to this proceeding. The Motion also states that if the parties are unable to reach an agreement resolving their dispute, they are willing to file a consensus procedural schedule before August 31, 2020.

7. The Motion also states that Live Wire waives the 210-day statutory deadline under § 40-6-109.5(2), C.R.S. for a final Commission decision to issue in this proceeding to allow the parties additional time to pursue an amicable resolution.

8. Finally, the Motion also states that counsel for Staff is unavailable for the prehearing conference as scheduled, but all parties are available earlier in the day for a prehearing conference.

9. The ALJ concludes that Live Wire has established good cause to vacate the prehearing conference. Doing so is consistent with the Commission's policy to encourage settlement in contested proceedings. Rule 1408, 4 CCR 723-1. Moreover, Live Wire's waiver of the statutory deadline for a final Commission decision allows the parties time to focus on an amicable resolution rather than preparing for an evidentiary hearing that would otherwise be scheduled for the near future. For all these reasons, the ALJ will vacate the prehearing conference.

10. However, because the ALJ is unavailable for a status conference as proposed and it is unclear whether one will be necessary, the ALJ will not schedule a status conference at this time. Instead, the ALJ will require the parties to either file their settlement agreement and accompanying motion, or file a joint status report if the parties have not settled along with a proposed procedural schedule on or by August 31, 2020. The ALJ may schedule a status conference at a later date if it appears necessary.

II. ORDER

A. It Is Ordered That:

1. The response time to the Unopposed Motion to Vacate Prehearing Conference and Waive Response Time to the Motion is waived. The Motion granted in part, consistent with the above discussion. The remote prehearing conference scheduled for July 29, 2020 at 3:00 p.m. is vacated.

2. On or before close of business on August 31, 2020, the parties must file a settlement agreement and accompanying motion, or a joint status report with an update on the parties' settlement discussions, and an agreed-upon procedural schedule.

3. The statutory deadline under § 40-6-109.5(2), C.R.S. for a final Commission decision to issue in this proceeding is deemed waived; that statutory deadline is not binding on the Commission.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director