

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 02S-594E

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RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY AQUILA, INC., DOING BUSINESS AS AQUILA NETWORKS-WPC, WITH ADVICE NO. 579.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
DALE E. ISLEY  
GRANTING MOTION TO  
CONTINUE HEARING AND  
TO AMEND PROCEDURAL  
SCHEDULE, IN PART**

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Mailed Date: January 15, 2003

**I. STATEMENT**

1. On January 10, 2003, Aquila, Inc. (Aquila), filed a Motion to Continue Hearing and to Amend Procedural Schedule (Motion) in the captioned proceeding. The Motion requests that the hearing of this matter, currently scheduled for March 7, 2003, be vacated and that the procedural schedule originally established by Decision No. C02-1268 be modified. The Motion sets forth new hearing dates and a modified procedural schedule acceptable to all known parties to this proceeding.

2. The Motion was submitted by Aquila at the request of the Staff of the Commission (Staff) and the Colorado Office of Consumer Counsel (OCC). Staff and OCC indicate that they are unavailable on the currently scheduled hearing date and have insufficient time to devote to this docket under the current procedural schedule due to their involvement in the pending Public Service Company of Colorado (PSCo) rate case.

3. The motion to continue the hearing of this matter will be granted. The March 7, 2003, hearing date conflicts with one of the hearing dates established in the PSCo case. In addition, it is apparent that this matter will require more than one day to be heard.

4. Other than the supplemental hearing days of April 28, 2003 through May 2, 2003 (during which time the undersigned administrative law judge is unavailable), the hearing days and the procedural schedule proposed in the Motion would be acceptable if Advice Letter No. 579 were amended for the purpose of extending its proposed effective date by at least 30 days (*i.e.*, from November 15, 2002 to December 16, 2002). Otherwise, the proposed schedule does not allow sufficient time to secure a final Commission decision in this matter prior to expiration of the 210-day suspension period allowed by § 40-6-111(1), C.R.S. Therefore, in the absence of the filing of such an amendment by Aquila on or before January 22, 2003, the alternative procedural schedule set forth below in Section II.A.3. through 9 below will govern this proceeding.

5. In addition, a review of the file in this matter reveals that there is substantial public interest in the rate changes proposed by Advice Letter No. 579. Therefore, the Commission will hold a hearing suitable for the receipt of public testimony or comments in Pueblo, Colorado, at some point in time prior to the substantive hearings. The date, time, and location of such public testimony/comment hearing will be established by a subsequent order.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The Motion to Continue Hearing and to Amend Procedural Schedule filed by Aquila, Inc., in the captioned proceeding is granted, in part, consistent with the terms of this Order.

2. The hearing of this matter, currently scheduled for March 7, 2003, is vacated.

3. Subject to the condition referred to in Section I.A.4. above, the captioned proceeding is scheduled for hearing as follows and the procedures applicable thereto are as set forth in Section II.A.4. through 9 below:

DATES: March 24 through 28, 2003  
TIME: 9:00 a.m.  
PLACE: Commission Hearing Room  
1580 Logan Street, OL 2  
Denver, Colorado

4. Intervenors shall file their written answer testimony and exhibits, in question-and-answer format, no later than February 7, 2003.

5. Aquila, Inc., shall file its written rebuttal testimony and exhibits, in question-and-answer format, no later than March 7, 2003.

6. Intervenors shall file their written cross answer testimony and exhibits, in question-and-answer format, no later than March 7, 2003.

7. All pre-hearing motions, of whatever nature, shall be filed no later than March 17, 2003.

8. The parties shall file any desired statements of position no later than seven days after the last day of hearing.

9. Response time to any exceptions filed to the recommended decision issued in this matter shall be shortened to seven days.

10. Any desired amendment of Aquila, Inc., to Advice Letter No. 579 extending the effective date of the same by a period of at least 30 days, shall be filed on or before January 22, 2003.

11. In the event the tariff amendment referred to in Section II.A.10. above is timely filed, the captioned proceeding will be scheduled for hearing as follows and the procedures applicable thereto shall be as set forth in Section II.A.12. through 17 below.

DATES: April 21 through 25, 2003  
TIME: 9:00 a.m.  
PLACE: Commission Hearing Room  
1580 Logan Street, OL 2  
Denver, Colorado

12. Intervenors shall file their written answer testimony and exhibits, in question-and-answer format, no later than February 14, 2003.

13. Aquila, Inc., shall file its written rebuttal testimony and exhibits, in question-and-answer format, no later than March 24, 2003.

14. Intervenors shall file their written cross answer testimony and exhibits, in question-and-answer format, no later than March 24, 2003.

15. All pre-hearing motions, of whatever nature, shall be filed no later than April 8, 2003.

16. The parties shall file any desired statements of position no later than ten days after the last day of hearing.

17. Response time to any exceptions filed to the recommended decision issued in this matter shall be shortened to ten days.

18. This Order shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

DALE E. ISLEY

Administrative Law Judge

ATTEST: A TRUE COPY

Bruce N. Smith  
Director

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