

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MILDRED L. SMITH, et al.,)
 (700 Plus Petitioner))
 P. O. BOX 151)
 FLORISSANT, COLORADO 80816)
)
 Complainants,)
)
 vs.)
)
 THE MOUNTAIN STATES TELEPHONE)
 AND TELEGRAPH COMPANY)
 P. O. BOX 960)
 DENVER, COLORADO 80201)
)
 Respondent.)

CASE NO. 6051
 INTERIM ORDER OF
 EXAMINER ROBERT E. TEMMER

 August 31, 1982

STATEMENT

The Mountain States Telephone and Telegraph Company, hereinafter referred to as Respondent, filed a motion to vacate the hearing date or dismiss part of the complaint on August 11, 1982. On August 12, 1982, a three-way telephone conference was held between the undersigned Examiner and the attorney for Respondent and the attorney for Complainant. The Complainant thus had an opportunity to respond to the motion to vacate or dismiss, although the attorney for Complainant had not received a copy of the motion. Complainant objects to a continuance on the basis of inconvenience to the many people that were to appear at the hearing on August 17. The grounds relied upon for a continuance by Respondent are that answers or responses to discovery had not been timely received and that Respondent was unable to fully prepare for the hearing. Respondent further objected to having part of the hearing held on August 17 and part at a later date.

It appears that even though the attorney for the Complainant has acted diligently in an effort to comply with the time requirements for responding to discovery, that Respondent had not received the responses on August 12 and that the responses had not been filed with the Commission on August 12. It also appears that this matter has been continued several times at the request of Complainant, and that in fairness to all parties, the matter should be continued to allow sufficient time to fully prepare for the hearing.

The Respondent's motion to vacate hearing date should be granted and the motion to dismiss part of the complaint should be denied.

ORDER

THE EXAMINER ORDERS THAT:

1. The motion to vacate filed by Respondent on August 11, 1982 is granted to the extent that the hearing of August 17, 1982 at 10:00 a.m. in the meeting room, Florissant Fire Station, Florissant, Colorado, is hereby vacated. The motion that part of the amended complaint be dismissed, is denied.

2. This matter be, and hereby is, reset for hearing as follows:

DATE: November 16, 1982

TIME: 10:00 a.m.

PLACE: Meeting Room
Florissant Fire Station
Florissant, Colorado

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Semmer
Examiner