

Decision No. R23-0099-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0476T

IN THE MATTER OF THE APPLICATION GUNNISON/HINSDALE COMBINED
EMERGENCY TELEPHONE SERVICE AUTHORITY TO INCREASE THE EMERGENCY
TELEPHONE CHARGE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
ESTABLISHING PROCEDURES**

Mailed Date: February 10, 2023

I. STATEMENT

1. On October 31, 2022, Gunnison/Hinsdale Combined Emergency Telephone Service Authority (Applicant) filed its Application for Emergency Telephone Charge increase pursuant to § 29-11-102(2)(c), C.R.S. (Application).

2. On November 2, 2022, the Commission filed a Notice of Application Filed (Notice) advising interested persons, firms, and corporations of the Application.

3. On November 9, 2022, the Commission filed an Amended Notice of Application Filed (Amended Notice) advising interested persons, firms, and corporations of the Application, setting an intervention deadline of November 23, 2022.

4. On November 23, 2022, the Colorado Cable Telecommunications Association (CCTA) filed a motion to permissively intervene in this proceeding (CCTA's Motion to Intervene).

5. On November 30, 2022, the Commission deemed the Application complete and referred this Proceeding to an Administrative Law Judge (ALJ) by minute entry.

6. By Decision No. R23-0034-I, issued January 13, 2023, the ALJ, among other things, granted CCTA's Motion to Intervene.

7. By Decision No. R23-0064-I, issued January 27, 2023, the ALJ scheduled a prehearing conference in this matter on February 3, 2023.

8. On February 3, 2023, a prehearing conference was held as scheduled. Mr. Brandon Dittman appeared on behalf of the Applicant. Mr. Thor Nelson appeared on behalf of CCTA. Mr. Nelson indicated that CCTA did not intend to prefile testimony or challenge the facts as asserted in the Application. Mr. Nelson further indicated that he did not believe that an evidentiary hearing was necessary to resolve the issues CCTA desired to raise in this Proceeding. Lastly, Mr. Nelson indicated that CCTA wished to file in this proceeding a dispositive motion addressing certain legal and policy issues. Mr. Dittman indicated that Applicant wished to resolve this matter as soon as possible and supported disposing of an evidentiary hearing in this matter. Mr. Dittman also stated that Applicant was generally unaware of the legal and policy arguments CCTA wished to raise in its dispositive motion. After further discussion, it was concluded that the matter could be decided on briefs as the facts in the Application are undisputed. The parties agreed that the CCTA would file a statement of position by March 3, 2023, and the Applicant would submit its statement of position by March 17, 2023.

9. Because the sole intervenor in this Proceeding, CCTA, does not wish to contest the evidence, as presented in the Application, the ALJ finds that, there is no need to hold an evidentiary hearing in this Proceeding.

10. The ALJ further finds that because Applicant is generally unaware of the legal and/or policy arguments CCTA wishes to raise in this matter, staggered (non-simultaneous) filings of statements of position by each of the parties, with CCTA filing the first statement of position, is appropriate.

11. The dates proposed for the filing of each party's statement of position were agreed upon, are reasonable, and will be ordered below.

12. Additional procedural requirements may be addressed in future Interim Decisions.

13. The parties are on notice that the ALJ will retain full discretion to adopt additional procedures to govern this proceeding.

II. ORDER

A. It Is Ordered That:

1. The Colorado Cable Telecommunications Association (CCTA) must file any desired closing Statement of Position, on or before March 3, 2023, addressing the merits of the above-captioned Application for Emergency Telephone Charge increase by a governing body pursuant to § 29-11-102(2)(c), C.R.S., filed by the Gunnison/Hinsdale Combined Emergency Telephone Service Authority. Such statement shall include a recitation of legal authority.

2. On or before March 17, 2023, Gunnison/Hinsdale Combined Emergency Telephone Service Authority must file its closing Statement of Position addressing the merits of the above-captioned Application for Emergency Telephone Charge increase by a governing body pursuant to § 29-11-102(2)(c), C.R.S. Such statement shall include a recitation of legal authority.

3. This Decision is effective immediately

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read 'G. Harris Adams'.

G. Harris Adams,
Interim Director