

Decision No. R25-0071-I

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

PROCEEDING NO. 24F-0470T

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LARIMER EMERGENCY TELEPHONE AUTHORITY,

COMPLAINANT,

V.

QWEST CORPORATION DOING BUSINESS AS CENTURYLINK QC,

RESPONDENT.

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**INTERIM DECISION  
VACATING PREHEARING CONFERENCE; STAYING  
PROCEEDING AND GRANTING JOINT MOTION**

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Issued Date: January 30, 2025

**I. STATEMENT**

1. On October 30, 2024, the Larimer Emergency Telephone Authority (“LETA” or “Complainant”) filed a Complaint against, Qwest Corporation doing business as CenturyLink QC (“CenturyLink” or “Respondents”). That filing commenced this proceeding.

2. On November 5, 2024, Rebecca White, Director, served a copy of the Complaint together with an order requiring the Respondents to satisfy or answer said complaint within 20 days, in accordance with § 40-6-108, C.R.S. An evidentiary hearing was scheduled for January 13, 2024.

3. On November 6, 2024, the above captioned proceeding was referred by minute order to an Administrative Law Judge (“ALJ”).

4. On November 22, 2024, CenturyLink filed its Unopposed Motion to Vacate the Procedural Schedule, Request a Prehearing Conference and Request a Waiver of Response Time (“Unopposed Motion”).

5. On December 3, 2024, by Decision No. R24-0888-I, the Unopposed Motion was granted and a prehearing conference was scheduled for January 13, 2025.

6. On December 11, 2024, LETA filed its Motion to Disqualify Administrative Law Judge Robert I. Garvey (“Motion to Disqualify”).

7. On December 18, 2024, by Decision No. R24-0924-I, the prehearing conference scheduled for January 13, 2024, was vacated due to the pending Motion to Disqualify.

8. On December 26, 2024, CenturyLink filed its Response to Larimer Emergency Telephone Authority’s Motion to Disqualify Administrative Law Judge Robert I. Garvey (“Response”).

9. On January 17, 2025, LETA filed its Motion to Set Prehearing Conference to Establish Procedural Schedule and Shorten Response Time (“Motion to Set Prehearing Conference”).

10. On January 21, 2025, LETA filed its Motion to Compel Discovery Responses from Qwest Corporation doing business as CenturyLink QC and Shorten Response Time (“Motion to Compel”).

11. On January 24, 2025, by Decision No. R25-0056-I, the Motion to Disqualify was denied and a prehearing conference was scheduled for February 11, 2025.

12. On January 28, 2025, CenturyLink filed its Motion for a Protective Order.

13. On January 29, 2025, LETA filed its Request for the Full Commission Review of the Interim Decision Denying LETA’s Motion to Disqualify Administrative Law Judge Robert I. Garvey (“Request”).

14. On January 30, 2025, CenturyLink and LETA filed their Joint Motion for Redaction of a Map from Public Record (“Joint Motion”).

## **II. JOINT MOTION**

15. In their Joint Motion the Parties request the Commission permit substitution of two pleadings with a public version and a confidential version of both pleadings.

16. The pleadings in question are LETA’s Motion to Compel initially filed January 21, 2025, and LETA’s Request for Full Commission Review of the Interim Decision Denying LETA’s Motion to Disqualify Administrative Law Judge Robert I. Garvey initially filed January 29, 2025.

17. CenturyLink believes the filings contain confidential information. LETA, while not agreeing with that opinion, but to resolve the conflict, agreed to re-file both pleadings.

18. Good cause is found to grant the Joint Motion.

19. LETA is ordered to file a public version and a confidential version of their Motion to Compel initially filed January 21, 2025, and LETA’s Request for Full Commission Review of the Interim Decision Denying LETA’s Motion to Disqualify Administrative Law Judge Robert I. Garvey initially filed January 29, 2025. The filings shall replace the original filings.

20. The initial filings by LETA shall be converted to confidential filings in the Commission’s e-filing system by Commission Staff.

**III. STAY PROCEEDING AND VACATING PREHEARING CONFERENCE**

21. On January 21, 2025, the Motion to Disqualify was denied and a prehearing conference was scheduled for February 11, 2025.

22. On January 29, 2025, LETA filed its Request. LETA argues in the Request that the undersigned ALJ should be disqualified from presiding over the above captioned proceeding. This request is for full Commission review and is not before the undersigned ALJ.

23. It is unknown when the Commission will rule on the Request. The Commission has many proceedings that it is currently hearing and there is no date certain as to when the Commission must or will rule on the Request.

24. Due to the nature of the Request, the undersigned ALJ does not believe that any rulings should be made during the pendency of the Request that could affect the proceeding, including but not limited to, the scope of discovery and a procedural schedule.

25. Should LETA be successful in their Request, any rulings or decisions made by the undersigned ALJ prior to the resolution of the Request would most likely be viewed in a negative light and potentially be subject to change or re-argument.

26. To avoid wasting time and resources for all parties, the undersigned ALJ shall *sua sponte* stay all activities in the above captioned proceeding and vacate the prehearing conference scheduled for February 11, 2025.

27. The undersigned ALJ finds that neither party shall suffer any prejudice since there is no statutory clock requiring a decision by a certain date and no procedural schedule has been adopted in the proceeding.

28. The stay shall go into effect on all activities in the above captioned proceeding immediately and remain in place during the pendency of the Request.

**IV. ORDER**

1. All activities in Proceeding No. 24F-0470-T are stayed during the pendency the Request for the Full Commission Review of the Interim Decision Denying LETA's Motion to Disqualify Administrative Law Judge Robert I. Garvey filed by the Larimer Emergency Telephone Authority ("LETA") on January 29, 2025.

2. The prehearing conference in this proceeding scheduled for February 11, 2025, is vacated.

3. LETA is ordered to file a public version and a confidential version of their Motion to Compel initially filed January 21, 2025, and LETA's Request for Full Commission Review of the Interim Decision Denying LETA's Motion to Disqualify Administrative Law Judge Robert I. Garvey initially filed January 29, 2025. These filings shall replace the original filings.

4. The Motion to Compel initially filed by LETA on January 21, 2025, and LETA's Request for Full Commission Review of the Interim Decision Denying LETA's Motion to Disqualify Administrative Law Judge Robert I. Garvey initially filed January 29, 2025, shall be converted to confidential filings in the Commission's e-filing system by Commission Staff.

5. The Parties shall be held to the advisements in this Decision.

6. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,  
Director