

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03S-246T

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY ROGGEN
TELEPHONE COOPERATIVE COMPANY.

**ORDER SUSPENDING EFFECTIVE DATE
OF TARIFFS AND NOTICE OF HEARING**

Mailed Date: June 12, 2003
Adopted Date: June 11, 2003

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. On May 5, 2003, Roggen Telephone Cooperative Company (Roggen), filed Advice Letter No. 47 (attached as Exhibit 1).

2. Roggen stated that the purpose of the filing was to: 1) increase switched access rates; and 2) request a change in their Colorado High Cost Support. Roggen requested that the tariffs accompanying Advice Letter No. 47 become effective on 30 days' statutory notice or, in this instance, on June 16, 2003.

3. In addition to filing Advice Letter No. 47, Roggen filed a Motion for Waiver of Commission Rule 4 CCR 723-41-17. That motion for waiver seeks additional Colorado High Cost Support funding, and has been assigned Docket No. 03V-170T.

4. Under § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariffs for hearing. This will suspend their effective date for 120 days. Section 40-6-111(1), C.R.S., also provides that the Commission may, in its discretion, by separate order, suspend the effective date of the tariffs for an additional 90 days. Thus, the Commission has the power and authority to suspend the effective date of the tariffs for a maximum of 210 days or, in this docket, until January 12, 2004. If the Commission does not establish new rates before the expiration of the first suspension period of 120 days, or October 14, 2003, the tariffs filed by Roggen will become effective by operation of law. If the Commission further suspends, by separate order, the effective date of the tariffs for an additional 90 days, and if no new rates are established by the Commission on or before January 12, 2004, the tariffs filed by Roggen will become effective by operation of law.

B. Findings of Fact

5. The Commission will set the proposed tariffs for hearing and will suspend their effective date because the rates contained in the tariffs may be improper.

6. The Commission will also conduct hearings in Docket No. 03V-170T on the propriety of granting Roggen's request for waiver of Rule 4 *Code of Colorado Regulations* 723-17. At the June 11, 2003 Commissioners' Weekly Meeting, we assigned Roggen's motion for waiver to an Administrative Law Judge for hearing.

7. Because the rates proposed in Advice Letter No. 47, the setting of the support to be paid to Roggen from the Colorado High Cost Support Mechanism, and the waiver of Rule 17 of the High Cost Support Mechanism Rule (4 CCR 723-41) are closely related, the Commission will consolidate these matters for hearing before the Administrative Law Judge.

8. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariffs shall not allow participation as an intervenor in this matter.

9. Since this matter involves important policy considerations, the final decision issued by the Administrative Law Judge, even if approval of a stipulation, will be reviewed by the Commission, regardless of whether exceptions are filed.

II. ORDER

A. The Commission Orders That:

1. The effective date of the tariffs filed by Roggen Telephone Cooperative Company, on May 5, 2003, with Advice Letter No. 47, is suspended for 120 days until October 4, 2003, or until further order of the Commission.

2. The tariffs filed by Roggen Telephone Cooperative Company with Advice Letter No. 47, the setting of the support to be paid to Roggen from the Colorado High Cost Support

Mechanism, and the waiver of Rule 17 of the High Cost Support Mechanism Rule (4 CCR 723-41) will be set for hearing before an Administrative Law Judge for the Commission as follows:

DATE: October 3, 2003
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, Office Level 2,
Denver, Colorado

3. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariffs, who desires to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission within 30 days after the mailing date of this Decision, and shall serve a copy of the motion on Roggen Telephone Cooperative Company's attorney of record.

4. Roggen Telephone Cooperative Company shall file with the Director of the Commission an original and three copies of all exhibits and direct testimonies, and shall effect service in accordance with Rule 7 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, on or before 60 days prior to the first day of hearing. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimonies will be permitted to be offered by Roggen Telephone Cooperative Company in support of its direct case.

5. Intervenors (including Commission Staff) shall file with the Director of the Commission an original and three copies of all exhibits and testimonies, and shall effect service in accordance with Rule 7 of the Commission's Rules of Practice and Procedure, 4 *Code of*

Colorado Regulations 723-1, on or before 20 days prior to the first day of hearing. Except upon timely motion and for good cause shown, or by stipulation of all parties, no other, different or additional exhibits, witnesses, or scope of witnesses' testimonies will be permitted to be offered by Intervenors (including Commission Staff) in support of its direct case.

6. All prehearing motions, of whatever nature, shall be filed on or before 20 days prior to the first day of hearing, and, except for good cause shown, no prehearing motion filed later will be considered.

7. This suspension docket (03S-246T) is consolidated with Docket No. 03V-170T, the Motion for Waiver by Roggen Telephone Cooperative Company.

8. The final decision of the Administrative Law Judge in this matter will be reviewed by the Commission, regardless of whether exceptions are filed.

9. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners