

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-035E

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY AQUILA, INC., DOING BUSINESS AS AQUILA NETWORKS-WPC, WITH ADVICE NO. 588.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
SETTING PRE-HEARING CONFERENCE**

Mailed Date: February 27, 2004

I. STATEMENT

1. The captioned proceeding was commenced on December 29, 2003, when Aquila, Inc., doing business as Aquila Networks—WPC (Aquila), filed Advice Letter No. 588 and accompanying tariff sheets with the Colorado Public Utilities Commission (Commission).¹ Advice Letter No. 588 seeks Commission approval for implementation of a General Rate Schedule Adjustment rider of 9.60 percent to all base rates for all customers receiving electric power and energy under Aquila's Colorado tariff (PUC No. 6).

2. On January 21, 2004, the Commission adopted Decision No. C04-0082, the effect of which was to suspend the effective date of Advice Letter No. 588 until May 28, 2004, and to direct that the matter be set for hearing. Decision No. C04-0082 also established a deadline for the submission of interventions (February 26, 2004) and requested that the parties advise of their availability for a pre-hearing conference in March 2004.

¹ Aquila's direct testimony and exhibits also accompanied the Advice Letter No. 588 filing.

3. At its Weekly Meeting of January 21, 2004, the Commission assigned this matter to the undersigned administrative law judge (ALJ).

4. Timely Notices of Intervention have been filed in this proceeding by the Staff of the Commission and the Colorado Office of Consumer Counsel. Timely Petitions for Leave to Intervene have been filed by The Fountain Valley Authority, The Board of Water Works of Pueblo, Colorado, the City of Canon City, Cripple Creek & Victor Gold Mining Company, Holcim (U.S.) Inc., and The Trane Company.

5. The advisements provided by the parties in response to Decision No. C04-0082 indicate that 2:00 p.m. on March 3, 2004, is a convenient time for conducting a pre-hearing conference. Therefore, the conference will be scheduled at that time by the Order that follows.

6. The pre-hearing conference will potentially deal with all issues contemplated by 4 *Code of Colorado Regulations* 723-1-79(b)(5) including, without limitation, identification of issues to be addressed in this proceeding, the resolution of any pending motions (including the Petitions for Leave to Intervene described above), the timing and scope of discovery, the desirability of submitting testimony and exhibits in electronic form, the necessity of conducting a technical conference, the desirability of holding a hearing suitable for the receipt of public testimony or comments, and the establishment of a procedural schedule, including deadlines for the filing of answer, rebuttal and/or cross-answer testimony and exhibits, motions, statements of position, responses to exceptions, and hearing dates.

7. In order to assist the ALJ, the parties are urged to confer prior to commencement of the pre-hearing conference in an attempt to reach agreement on a procedural schedule that will facilitate issuance of a final Commission decision in this matter within the timeframe established

by § 40-6-111(1), C.R.S. (*i.e.*, one that will result in completion of the hearing no later than April 30, 2004).

II. ORDER

A. It Is Ordered That:

1. A pre-hearing conference is scheduled in this matter as follows:

DATE: March 3, 2004

TIME: 2:00 p.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge