

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-528ALL

IN THE MATTER OF THE PROPOSED REPEAL AND RE-ENACTMENT OF THE RULES
OF PRACTICE AND PROCEDURE, 4 CCR 723-1.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
GRANTING MOTION IN PART**

Mailed Date: March 16, 2004

I. STATEMENT

1. This proceeding concerns the Proposed Repeal and Reenactment of the Commission's Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* 723-1. Hearings in this matter are currently scheduled for March 25 and 26, 2004.

2. On March 12, 2004, the Colorado Office of Consumer Counsel (OCC) filed its Motion Requesting an Amendment to the Procedural Schedule Set in Commission Decision No. C03-1399 and Waiver or Shortening Response Time. By this motion the OCC notes that there are several rulemaking proceedings underway concurrent with the Rules of Practice and Procedure rulemaking. The OCC believes that the Commission's Rules of Practice and Procedure should culminate the rulemaking process since they must be consistent with all the other substantive rulemakings. The OCC also notes that it has been busy and has not had a chance to adequately prepare for the hearing as scheduled.

3. The OCC is correct that the Rules of Practice and Procedure will need to integrate all of the changes being proposed in the other rulemaking proceedings. It is anticipated that at

least two additional hearings will be held in addition to those currently scheduled for March 25 and 26, 2004. One will be held on August 3, 2004 and will be announced at the hearing. Another hearing will be scheduled after the telecommunications rulemaking.

4. Nonetheless, the Rules of Practice and Procedure are in a somewhat different posture than the other rulemakings. There was a previous proceeding concerning the Rules of Practice and Procedure that had several days of hearing. Many comments were filed addressing a proposal that was very similar to the rules proposed here. In addition, there is a large part of the Rules of Practice and Procedure that does not depend closely on the other rulemakings. This includes such subjects as discovery, confidentiality, interventions, and response times. It is not necessary for a discussion of these portions of the rules to wait until later. Finally, at least two interested persons have already filed comments in anticipation of the March 25 and 26, 2004 hearings. There is no need for their comments to be deferred until later.

5. Therefore the OCC request will be granted in part. Additional hearings will be scheduled and persons can defer comments until later. Interested persons are encouraged to comment to the extent they can in the early part of this proceeding.

II. ORDER

A. It Is Ordered That:

1. Additional hearings beyond March 25 and 26, 2004, will be established in this proceeding. One hearing will be held on August 3, 2004, and will be announced and noticed further. An additional hearing will be held later in the year as well, and it will also be noticed further.

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge