

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-054T

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO EXECUTE A TRANSFER
OF COLORADO TELESERV, INC.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
VACATING PROCEDURAL SCHEDULE,
SCHEDULING PREHEARING CONFERENCE,
AND LISTING ISSUES FOR DISCUSSION**

Mailed Date: March 25, 2004

I. STATEMENT

1. On February 3, 2004, Colorado Teleserv, Inc. (Teleserv), and Frank Ramogida Holdings (CO), Inc. (Ramogida) (collectively, Applicants), filed an Application Requesting Authority to Execute a Transfer (Application). By this verified filing the Applicants seek authority to transfer a controlling interest in Teleserv to Ramogida. Applicants have not filed their direct testimony and exhibits. The Application commenced this proceeding.

2. On February 3, 2004, Applicants also filed Supplemental Material in Support of the Application.

3. On February 4, 2004, the Commission gave public notice of the Application. *See* Notice of Application Filed, dated February 4, 2004 (Notice). In that Notice, the Commission established an intervention period and a procedural schedule. By this Order, the undersigned Administrative Law Judge (ALJ) will vacate the procedural schedule set out in the Notice.

4. The Commission deemed the application complete as of March 22, 2004. *See* Minute Order dated March 17, 2004.

5. On March 24, 2004, Staff of the Commission (Intervenor) intervened of right and requested a hearing in this matter. This is the only intervention in this matter.

6. It is necessary to schedule a hearing and to establish a procedural schedule in this proceeding. To do so, a prehearing conference will be held on April 8, 2004. The provisions of Rules 4 *Code of Colorado Regulations* (CCR) 723-1-79(b)(3) and 4 CCR 723-1-79(b)(4) govern this prehearing conference.

7. The parties should be prepared to discuss these matters at the prehearing conference: (a) date by which Applicants will file their direct testimony and exhibits; (b) date by which Intervenor will file its answer testimony and exhibits; (c) date by which Applicants will file their rebuttal testimony and exhibits; (d) date(s) by which each party will file its corrected testimony and exhibits; (e) date by which each party will file its prehearing motions;¹ (f) whether a final prehearing conference is necessary and, if it is, date for that prehearing conference; (g) date by which the parties will file any stipulation reached;² (h) hearing dates; and (i) whether there should be post-hearing statements of position and, if so, the date for post-hearing statements of position and whether responses should be permitted. Further, the parties should review, and be prepared to discuss to the extent relevant, the matters contained in Rule 4 CCR 723-1-79(b)(5). Parties may raise any additional issues.

¹ This date should be at least 10 days before the final prehearing conference or, if there is no final prehearing conference, 14 days before the hearing.

² This date should be at least seven calendar days before the first day of hearing.

8. In considering proposed dates, parties should keep in mind that the Commission deemed the Application complete as of March 22, 2004. Absent Applicants' waiver of the statutory time frame or a finding of extraordinary circumstances, a Commission decision in this proceeding should issue within 210 days of that date (*i.e.*, October 18, 2004). See §§ 40-6-109.5(2) and 40-6-109.5(4), C.R.S. Any procedural schedule must take into consideration, and allow time for, preparation of a recommended decision, preparation of exceptions to the recommended decision and response to exceptions, and preparation of a Commission decision on exceptions,³ all of which should occur by October 18, 2004.

9. In this proceeding, absent waiver of the provisions of § 40-6-9.5, C.R.S., the hearing must be held no later than the week of July 26, 2004. The parties are advised that the ALJ is unavailable on July 13, 14, 19, and 20, 2004.

10. The undersigned expects the parties to consult prior to the prehearing conference with respect to the listed matters. The parties are encouraged to present, if possible, a procedural schedule and hearing date(s) which are satisfactory to both parties.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule established in the Notice of Application Filed, dated February 4, 2004, is vacated.

³ As a general rule and not including the time necessary for preparation of a transcript if one is ordered, these activities consume two and one-half to three months from the filing of the statements of position or responses to statements of position, whichever occurs later.

2. A prehearing conference in this docket is scheduled as follows:

DATE: April 8, 2004

TIME: 9:00 a.m.

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

3. The parties shall follow the procedures, and be prepared to discuss the matters, as set forth above.

4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge