

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-538T

IN THE MATTER OF THE APPLICATION OF MCLEODUSA TELECOMMUNICATIONS SERVICES, INC., FOR RETURN OF FUNDS MISTAKENLY REMITTED TO THE COLORADO LOW INCOME TELEPHONE ASSISTANCE FUND.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING JOINT MOTION,
MODIFYING PROCEDURAL SCHEDULE,
AND WAIVING RESPONSE TIME**

Mailed Date: April 13, 2004

I. STATEMENT

1. On December 16, 2003, McLeodUSA Telecommunications Services, Inc. (McLeodUSA or Applicant), filed its Application for Return of Funds Mistakenly Remitted to the Colorado Low Income Telephone Assistance Fund (Application). The Application commenced this proceeding.

2. On December 17, 2003, the Commission gave public notice of the Application. On January 26, 2004, Staff of the Commission (Staff) intervened of right and requested a hearing in this matter. Staff is the only intervenor in this docket.

3. By Decision No. R04-0180-I, the undersigned Administrative Law Judge established a procedural schedule in this matter and set the hearing for May 27, 2004.

4. On April 12, 2004, Staff filed a Joint Motion to Vacate Procedural Schedule and to File Stipulation and Settlement Agreement in Lieu Thereof (Joint Motion). In the Joint Motion

the parties state that they have reached agreement in principle to settle this matter. To provide time to reduce the agreement to writing, the parties ask that the procedural schedule be modified.

5. The Joint Motion states good cause. Both parties in this proceeding request that the schedule be modified. No party will be prejudiced by the granting of the Joint Motion. The Joint Motion will be granted.

6. The following changes to the procedural schedule will be ordered: vacate the April 12, 2004 (Staff answer testimony) and April 26, 2004 (Applicant rebuttal testimony) filing dates; vacate the May 3, 2004 (prehearing motions) and May 17, 2004 (response to prehearing motions) filing dates; vacate the June 11, 2004 (post-hearing statements of position) filing date; add May 10, 2004 as the date by which the parties will inform the Commission if a stipulation cannot be reached; and retain the hearing date of May 27, 2004.

7. If a stipulation cannot be reached, the parties shall file, on May 10, 2004, a proposed procedural schedule. That proposed schedule must allow the Commission to meet the time frame set out in § 40-6-109.5, C.R.S. (*i.e.*, Commission decision in this proceeding no later than August 25, 2004), or McLeodUSA must waive § 40-6-109.5, C.R.S.

8. Because this is a Joint Motion and both parties seek the procedural schedule modification, response time to the Joint Motion will be waived.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion to Vacate Procedural Schedule and to File Stipulation and Settlement Agreement in Lieu Thereof is granted.

2. The procedural schedule established in Decision No. R04-0180-I is modified as set forth above.
3. To the extent that the procedures and schedule established in Decision No. R04-0180-I are not modified by this Order, those procedures and that schedule remain in effect.
4. The parties shall follow the procedures and shall make the filings set out above.
5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge