

Decision No. R04-0404-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02M-259T

IN THE MATTER OF QWEST CORPORATION'S COLORADO PERFORMANCE
ASSURANCE PLAN.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
SETTING HEARING**

Mailed Date: April 20, 2004

I. STATEMENT

1. By Decision No. C04-0269, March 16, 2004, the Commission granted the Application for Rehearing, Reargument, or Reconsideration filed by Qwest Corporation (Qwest) on February 24, 2004. The Commission ordered that Qwest be granted its application on two issues.

2. The matter was assigned to the undersigned Administrative Law Judge (ALJ). A prehearing conference was held on April 16, 2004 in a Commission hearing room in Denver, Colorado.

3. At the prehearing conference the ALJ discussed the issues with the parties. It appeared that there is no substantive disagreement concerning the first issue for which the Commission granted Qwest's application. That issue concerns wording to implement the Commission directive that Qwest begin reporting line splitting as a separate product category for certain PIDS, but that payments for line splitting should be made only for the combined line sharing and line splitting measures. All parties agreed that the substantive requirements of the

Commission order are clear, and it is only a drafting problem that remains. The parties agreed to attempt to stipulate to language, which they will attempt to submit within ten days of the prehearing conference.

4. The second issue concerns a change to the standard for OP-4, installation interval for line shared loops. The issue is, given that the standard for OP-3 (installation due date met) was changed from 90 to 95 percent, should the interval for OP-4 be changed from 3.3 days to 3.15 days? This matter will require testimony and factual development. The parties proposed a procedural schedule that was accepted and is memorialized in the Order set forth below.

5. Finally, there was a brief discussion of the requirements for the presence of witnesses in the hearing room. The ALJ stated his understanding that all witnesses in Commission hearings must be physically present unless a specific order authorizing telephone testimony is entered. There is no such order in effect for this hearing.

II. ORDER

A. It Is Ordered That:

1. The hearing on the issue set forth above is scheduled as follows:

DATE: July 9, 2004
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

2. Parties shall file opening testimony, in question-and-answer format, by May 21, 2004. The parties shall file reply testimony, in question-and-answer format, by June 11, 2004. Unless otherwise ordered, closing briefs will be due July 23, 2004.

3. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge