

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04B-160T

IN THE MATTER OF PETITION OF QWEST CORPORATION FOR ARBITRATION OF AN
INTERCONNECTION AGREEMENT WITH COVAD COMMUNICATIONS COMPANY
PURSUANT TO 47 U.S.C. § 252(B).

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

Mailed Date: April 19, 2004

I. STATEMENT

1. On April 6, 2004, Qwest Corporation (Qwest) file a Petition for Arbitration of an interconnection agreement with Covad Communications Company (Covad). The Petition for Arbitration (Petition) commenced this proceeding.

2. This matter is assigned to the undersigned Administrative Law Judge (ALJ) for hearing. However, the Commission will issue an initial decision. *See* Decision No. C04-0393.

3. On April 16, 2004, Staff of the Commission (Staff) filed its intervention of right and request for hearing. The intervention period expired on April 16, 2004. No other interventions were filed. Thus, the parties in this proceeding are Qwest, Covad, and Staff.

4. Covad's response to the Petition is due on or before May 3, 2004.

5. Based on the provisions of 47 U.S.C. § 252(b), it appears that the Commission must issue its decision in this matter on or before July 29, 2004.

6. It is necessary to schedule a hearing and to establish a procedural schedule in this proceeding as soon as possible. A prehearing conference will be held on April 22, 2004. The provisions of Rule 4 *Code of Colorado Regulations* (CCR) 723-1-79(b)(3) and of Rule 4 CCR 723-1-79(b)(4) govern this prehearing conference.

7. The time frames within which this case must be decided and the ALJ's availability leave little flexibility with respect to a hearing date in this matter. The ALJ is available for hearing on June 10, 11, and 14, 2004. In discussing a possible procedural schedule, the parties must keep in mind these dates of availability.

8. The parties must be prepared to discuss at the prehearing conference: (a) date by which the parties will file, simultaneously, their direct testimony and exhibits (the ALJ suggests May 14, 2004); (b) date by which the parties will file, simultaneously, their answer testimony and exhibits (the ALJ suggests May 28, 2004); (c) date by which the parties will file a joint issue matrix (the ALJ suggests June 7, 2004); (d) hearing dates (the ALJ is available June 10, 11, and 14, 2004); and (e) date by which post-hearing statements of position will be due (the ALJ suggests June 21, 2004) and whether response should be permitted. In addition, the parties must be prepared to discuss who will pay for the daily transcript; the requested protective order (*see* Petition at 34); the format of the joint issue matrix; discovery procedures and deadlines; and any special provisions for service of testimony and exhibits and of discovery. 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). Finally, the parties may raise any additional issues.

9. 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 dates which are satisfactory to all parties; which take into account the ALJ's availability; and which allow sufficient time for Commission deliberations on, preparation of, and issuance of a Commission decision in this matter no later than July 29, 2004.

10. The parties received a copy of this Order by facsimile on April 19, 2004.

II. ORDER

A. It Is Ordered That:

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

DATE: April 22, 2004

TIME: 9:00 a.m.

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

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

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge