

Decision No. R04-0481-I

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: May 11, 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. 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.

2. By Decision No. R04-0180-I, as modified by Decision No. R04-0390-I, the undersigned Administrative Law Judge established the procedural schedule in this matter.

3. On May 10, 2004, McLeodUSA and Staff made an oral joint motion to modify slightly the procedural schedule (Joint Motion). The parties stated that they need four additional days, *i.e.*, to and including May 14, 2004, to continue their settlement discussions. Each party believes that this additional time will assist them in reaching a successful conclusion to the

negotiations. To provide the additional time, the parties ask that the procedural schedule be modified slightly.

4. The Joint Motion states good cause. The only 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.

5. The following change to the procedural schedule will be ordered: on or before May 14, 2004 the parties will inform the Commission if a stipulation cannot be reached. If a stipulation cannot be reached, the parties shall file, on May 14, 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.

6. Because this is a joint motion and all parties seek the schedule modification, response time to the Joint Motion will be waived.

II. ORDER

A. It Is Ordered That:

1. The oral joint motion to modify the procedural schedule is granted.
2. The procedural schedule established in Decision No. R04-0390-I is modified as set forth above.
3. To the extent that the procedures and schedule established in Decisions No. R04-0180-I and No. R04-0390-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