

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-213T

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IN THE MATTER OF THE APPLICATION OF LECLINK, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES AND FOR A LETTER OF REGISTRATION TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICES.

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

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Mailed Date: June 15, 2004

**I. STATEMENT**

1. On April 29, 2004, LecLink, Inc. (LecLink or Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services and for a Letter of Registration to Provide Emerging Competitive Telecommunications Services (Application). LecLink did not file its direct testimony and exhibits with its Application. The Application commenced this docket.

2. On April 30, 2004, the Commission gave public notice of the Application. *See* Posting of Application Filed (Notice), dated April 30, 2004. In that Notice, the Commission established a 20-day intervention period. To the extent that the Notice may have established a procedural schedule in this proceeding, this Order will vacate that schedule.

3. On June 2, 2004, the Commission deemed the Application complete as of June 4, 2004.

4. On June 9, 2004, Staff of the Commission (Staff) filed its intervention of right and request for hearing. This is the only intervention in this proceeding.

5. On June 14, 2004, pursuant to Decision No. R04-0612-I, the parties appeared before the undersigned Administrative Law Judge (ALJ) to discuss the matters identified, and to answer the questions posed, in that order. Based on the representations of Applicant, the ALJ is satisfied that this docket should proceed on its own merits and ought not to be consolidated with any other pending docket.

6. It is necessary to schedule a hearing and to establish a procedural schedule in this matter. To do so, a prehearing conference will be held on July 6, 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 Applicant will file its direct testimony and exhibits; (b) date by which Staff will file its answer testimony and exhibits; (c) date by which Applicant will file its rebuttal testimony and exhibits; (d) date by which each party will file its corrected testimony and exhibits; (e) date by which each party will file its prehearing motions;<sup>1</sup> (f) whether a final prehearing conference is necessary and, if it is, the date for that prehearing conference; (g) date by which the parties will file any stipulation reached;<sup>2</sup> (h) hearing dates; and (i) whether post-hearing statements of position are necessary and, if they are, whether the statements should be written or oral and, if written, whether responses should be permitted. In addition, Applicant and

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<sup>1</sup> 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.

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

Staff should be prepared to discuss any matters pertaining to discovery if the procedures of Rule 4 CCR 723-1-77 are not sufficient. 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, any party may raise any additional issue.

8. In considering proposed dates, parties should keep in mind that the Commission has deemed the Application complete as of June 4, 2004. Absent Applicant's 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.*, on or before December 31, 2004). *See* §§ 40-6-109.5(2) and 40-6-109.5(4), C.R.S. Any procedural schedule must take into consideration, and must 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,<sup>3</sup> all of which should occur by December 31, 2004.

9. In addition, the parties are advised that the **ALJ is not available** from August 25, 2004 through and including September 27, 2004.

10. The ALJ expects the parties to come to the prehearing conference with proposed dates for all deadlines. In addition, the parties must consult prior to the prehearing conference with respect to the listed matters. Finally, the parties are encouraged to present, if possible, a procedural schedule and hearing date(s) which are satisfactory to both parties.

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<sup>3</sup> As a general rule and not including the time necessary for preparation of a transcript if one is ordered, these activities consume 10 to 12 weeks from the end of the hearing, the filing of statements of position, or the filing of responses to statements of position, whichever occurs last.

**II. ORDER**

**A. It Is Ordered That:**

1. The procedural schedule, if any, established in the Posting of Application Filed, dated April 30, 2004, is vacated.

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

DATE: July 6, 2004

TIME: 1:00 p.m.

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

3. The parties must be prepared to discuss the matters set forth above.

4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge

