

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-254T

IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION FOR APPROVAL OF ITS REVISED EXCHANGE AREA MAP FOR THE DENVER METRO EXCHANGE AREA AURORA ZONE AND THE DECLARATION OF QWEST CORPORATION OF ITS INTENT TO SERVE WITHIN THE TERRITORY OF EASTERN SLOPE RURAL TELEPHONE ASSOCIATION, INC., A RURAL TELECOMMUNICATIONS PROVIDER.

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

Mailed Date: July 13, 2004

I. STATEMENT

1. On May 19, 2004, Qwest Corporation (Qwest or Applicant) filed an Application for Approval of its Revised Exchange Area Map in the Denver Metro Exchange Aurora Zone and Declaration of its Intent to Serve Within the Territory of Eastern Slope Rural Telephone Association, Inc. (Application). Qwest did not file its direct testimony and exhibits with the Application. The Application commenced this docket.

2. The Commission gave public notice of the Application. *See* Notice of Application Filed (Notice), dated May 21, 2004. In that Notice, the Commission established a 30-day intervention period and a procedural schedule in this proceeding. This Order will vacate that procedural schedule.

3. On June 15, 2004, Qwest filed an Amended Application.

4. On June 21, 2004, Eastern Slope Rural Telephone Association, Inc. (Eastern Slope), filed a Petition to Intervene in this proceeding. On June 24, 2004, Eastern Slope filed a Request for Hearing. Applicant responded and opposed these filings.

5. By Decision No. C04-0737, the Commission granted Eastern Slope's Petition to Intervene and Request for Hearing. The Commission also deemed the Application complete as of July 6, 2004, and assigned this proceeding to an administrative law judge.

6. This docket was assigned to the undersigned Administrative Law Judge (ALJ).

7. On July 12, 2004, Staff of the Commission (Staff) filed its intervention of right and request for hearing. Eastern Slope and Staff (collectively, Intervenors) and Qwest are the only parties in this proceeding.

8. 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 29, 2004. The provisions of Rule 4 *Code of Colorado Regulations* (CCR) 723-1-79(b)(3) and Rule 4 CCR 723-1-79(b)(4) govern this prehearing conference.

9. The parties should be prepared to discuss the following matters at the prehearing conference: (a) date by which Applicant will file its direct testimony and exhibits; (b) date by which Intervenors will file their answer testimony and exhibits; (c) date by which Applicant will file its rebuttal testimony and exhibits; (d) date by which each Intervenor will file its cross-answer testimony and exhibits;¹ (e) date by which each party will file its corrected testimony and exhibits; (f) date by which each party will file its prehearing motions;² (g) date by which the

¹ Cross-answer testimony and exhibits may address *only* the answer testimony and exhibits of another intervenor.

² 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.

parties will file any stipulation reached;³ (h) whether a final prehearing conference is necessary and, if it is, the date for that prehearing conference; (i) hearing date(s); and (j) 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, the parties 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.

10. In considering proposed dates, parties should keep in mind that the Commission has deemed the Application complete as of July 6, 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 February 1, 2005). *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,⁴ all of which should occur by February 1, 2005.

11. The parties are advised that the ALJ is not available from August 25, 2004 through and including September 27, 2004.

12. 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

³ This date should be at least seven calendar days before the first day of hearing.

⁴ 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.

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.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule established in the Notice of Application Filed, dated May 21, 2004, is vacated.

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

DATE: July 29, 2004

TIME: 9:00 a.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

Administrative Law Judge