

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
SCHEDULING HEARING, ESTABLISHING
PROCEDURAL SCHEDULE, MODIFYING
DISCOVERY PROCEDURES, AND
GRANTING PETITION TO INTERVENE**

Mailed Date: July 29, 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). The Application commenced this docket. Qwest has filed an Amended Application.

2. The Commission gave public notice of the Application. *See* Notice of Application Filed (Notice), dated May 21, 2004.

3. Eastern Slope Rural Telephone Association, Inc. (Eastern Slope), and Staff of the Commission (Staff) are intervenors. Each opposes the Application.

4. On July 29, 2004, the Front Range Airport Authority (FRAA) late-filed a Petition to Intervene (Petition), which was addressed at the prehearing conference held on that date. Counsel for FRAA explained that FRAA had only recently become aware that this matter is contested and that FRAA took action to intervene as soon as possible after learning of the contest. The Petition sets forth FRAA's substantial interest in this matter. No party objected to the granting of the Petition, and no party will be prejudiced by the granting of the Petition as FRAA takes this proceeding as it finds it. The Petition will be granted.

5. Pursuant to Decision No. R04-0769-I, a prehearing conference was held on July 29, 2004. All four parties were present, were represented, and participated. As a result of discussions held during the prehearing conference, a procedural schedule and hearing dates were developed. The parties stated that each could meet the procedural schedule. The procedural schedule (set forth below) provides sufficient time for the Commission to meet the deadline contained in § 40-6-109.5, C.R.S., and is otherwise acceptable.

6. The following procedural schedule will be adopted: (a) on or before **August 13, 2004**, Applicant and FRAA¹ each will file its direct testimony and exhibits; (b) on or before **September 24, 2004**, Eastern Slope and Staff each will file its answer testimony and exhibits; (c) on or before **October 18, 2004**, Applicant will file its rebuttal testimony and exhibits; (d) on or before **October 18, 2004**, each Intervenor will file its cross-answer testimony and exhibits;² (e) on or before **October 22, 2004**, each party will file its corrected testimony and exhibits; (f) on or

¹ FRAA stated that it supports the Application and, thus, will file its direct testimony when Applicant files its direct testimony.

² These testimony and exhibits may address *only* the testimony and exhibits of another intervenor, including FRAA.

before **October 22, 2004**, each party will file its prehearing motions;³ (g) on or before **October 22, 2004**, the parties will file any stipulation reached; (h) hearing in this matter will be held on **October 28 and 29, 2004**; and (i) on or before **November 12, 2004**, each party will file its post-hearing statement of position, to which (absent further Order) no response will be permitted.

7. No final prehearing conference will be scheduled at this time. If a party believes that a final prehearing conference would be beneficial or is necessary, that party may file an appropriate motion.

8. The provisions of Rule 4 *Code of Colorado Regulations* (CCR) 723-1-77 will govern **discovery** in this proceeding except as follows:

- (a) Response to, and objection to, discovery addressed to rebuttal testimony and exhibits will be due five calendar days after service of that discovery.
- (b) Response to, and objection to, discovery addressed to intervenor cross-answer testimony and exhibits will be due five calendar days after service of that discovery.

9. Copies of all **discovery** requests and responses must be served on all counsel. Unless part of a motion to compel response to discovery or part of testimony, discovery requests, responses, and objections are not to be filed with the Commission and are not to be served on the Commission advisors (including Commission counsel) identified by Staff in the Rule 9(d) Notice filed by Staff in this docket.

10. Parties are reminded of Rule 4 CCR 723-1-22(d)(3), which states: "If a pleading refers to new court cases or other authorities not readily available to the Commission, six copies of each case or other authority shall be filed with the pleading." If a party wishes the Administrative Law Judge to consider a cited authority *other than* an opinion of the United

³ Written responses may, but need not, be filed. The Administrative Law Judge will take up as a preliminary matter on the first day of hearing any prehearing motion filed.

States Supreme Court, a reported Colorado state court opinion, or a Commission decision, the party must provide a copy of, or a website address for, that cited authority.

11. The parties shall provide the decision number when referring to or citing a Commission decision.

II. ORDER

A. It Is Ordered That:

1. The unopposed Petition to Intervene filed by the Front Range Airport Authority is granted.

2. Front Range Airport Authority is a party in this docket and takes this matter as it finds it.

3. The procedural schedule set out above is adopted.

4. Hearing in this matter will be conducted on the following dates, at the following time, and in the following location:

DATES: October 28 and 29, 2004

TIME: 9:00 a.m. on each day

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

5. The parties shall follow the procedures and shall make the filings set out above.

6. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge