

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,
SCHEDULING HEARING, ESTABLISHING
PROCEDURAL SCHEDULE, AND
WAIVING RESPONSE TIME**

Mailed Date: August 16, 2004

I. STATEMENT

1. On December 16, 2003, McLeodUSA Telecommunications Services, Inc. (McLeodUSA), filed its Application for Return of Funds Mistakenly Remitted to the Colorado Low Income Telephone Assistance Fund (Application). The Application commenced this proceeding. Staff of the Commission (Staff) intervened of right and requested a hearing in this matter.

2. Each party in this proceeding filed testimony and exhibits. Hearing in this matter was scheduled for July 22 and 23, 2004.

3. On June 23, 2004, Staff filed a Motion for Summary Judgment. McLeodUSA filed a response in opposition. Staff filed a reply. By Decision No. R04-0775-I, the undersigned Administrative Law Judge (ALJ) denied the Motion for Summary Judgment, identified at least

some of the material facts at issue in this proceeding, and noted that the parties had not addressed the identified material facts in their prefiled testimony and exhibits.

4. On July 22, 2004, McLeodUSA filed an Unopposed Motion to Vacate Hearing and Waive Response Time. By Decision No. R04-0852-I the ALJ granted the motion and vacated the July 22 and 23, 2004 hearing.

5. On August 13, 2004, McLeodUSA and Staff filed a Joint Motion to Set Filing Dates and Establish New Hearing Date (Motion). The parties propose an additional round of testimony to be filed simultaneously on August 20, 2004 and a hearing date of October 15, 2004. These date are acceptable, and the ALJ is available on the proposed hearing date. No party will be prejudiced by the granting of the Motion. The Motion states good cause and will be granted. The proposed dates will be adopted.

6. In view of the fact that the Motion is a Joint Motion and there are only two parties in this proceeding, response time to the Motion will be waived.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion to Set Filing Dates and Establish New Hearing Date is granted.

2. The parties shall file, on or before August 20, 2004, additional testimony and exhibits as discussed above.

3. Hearing shall be conducted in this matter at the following date, time, and place:

DATE: October 15, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL-2
Denver, Colorado

4. Response time to the Joint Motion to Set Filing Dates and Establish New Hearing Date is waived.

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge