

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-423T

IN THE MATTER OF WILLARD TELEPHONE COMPANY'S PETITION FOR
SUSPENSION OF LNP REQUIREMENTS.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING MOTION TO INTERVENE;
SETTING HEARING; AND
ESTABLISHING PROCEDURES
AND PROCEDURAL SCHEDULE**

Mailed Date: October 8, 2004

I. STATEMENT

1. The captioned proceeding was commenced on August 16, 2004, when Willard Telephone Company, filed a Petition for Suspension (Petition) with the Colorado Public Utilities Commission (Commission). The Petition requests suspension of the wireline-to-wireless local number portability requirements imposed by the Federal Communications Commission.

2. On August 25, 2004, N. E. Colorado Cellular, Inc., doing business as Viaero, filed a Motion to Intervene and Request for Hearing in this matter.

3. On September 29, 2004, the Commission deemed the Petition complete and referred it to the undersigned administrative law judge by minute entry.

4. A pre-hearing conference was held on October 8, 2004. Appearances were entered on behalf of the parties by their respective legal counsel.

5. At the pre-hearing conference the parties presented an agreed set of procedures and a procedural schedule that should result in resolution of the Petition within the timeframe

mandated by 47 U.S.C. § 251(f)(2). Those procedures and procedural schedule are reasonable and will be adopted by the Order that follows.

6. The parties also indicated that it may be possible to resolve the issues raised by the Petition on a “summary judgment” basis without the necessity of holding a formal hearing. In the event the parties conclude that such a procedure is warranted, they have agreed to submit a joint statement of agreed undisputed material facts and briefs in support of their respective positions in accordance with paragraph 7 of Section II.A. below.

II. ORDER

A. It Is Ordered That:

1. The Motion to Intervene and Request for Hearing filed by N. E. Colorado Cellular, Inc., doing business as Viaero is granted.

2. The hearing of this proceeding is scheduled as follows:

DATE: November 17, 2004

TIME: 1:00 p.m.

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

3. Willard Telephone Company shall file its direct testimony and exhibits, in question and answer form, on or before October 22, 2004.

4. N. E. Colorado Cellular, Inc., doing business as Viaero, shall file its answer testimony and exhibits, in question and answer form, on or before November 5, 2004.

5. Any desired post-hearing Statements of Position shall be filed on or before December 1, 2004.

6. Discovery shall be governed by Rules 77(a) and (b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations*, 723-1-77(a) and (b).

7. In the event the parties conclude that the issues raised in the Petition can be resolved on a "summary judgment" basis, they shall file a joint statement of agreed undisputed material facts and briefs in support of their respective positions on or before November 10, 2004. The joint statement of agreed undisputed material facts shall include an acknowledgement by the parties that the facts set forth therein are all the facts necessary for a complete resolution of the Petition.

8. All testimony/exhibits, discovery, motions, briefs, or other pleadings shall be served on all parties electronically or by hand delivery on the same date they are filed with the Commission.

9. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

