

Decision No. R04-1192-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-488AT

IN THE MATTER OF THE APPLICATION OF INSPIREN COMMUNICATIONS, INC., TO
DISCONTINUE OR CURTAIL JURISDICTIONAL TELECOMMUNICATIONS SERVICE.

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

Mailed Date: October 14, 2004

I. STATEMENT

1. On September 27, 2004, Inspiren Communications, Inc. (Inspiren or Applicant), filed an Application to Discontinue or Curtail Jurisdictional Telecommunications Service (Application). The proposed effective date of the discontinuance of the telecommunications services provided by Inspiren is November 15, 2004. Applicant did not file testimony and exhibits with the Application. The Application commenced this proceeding.

2. By Decision No. C04-1136, the Commission established a ten-day intervention period; designated Qwest Corporation as an indispensable party; and assigned this matter to an Administrative Law Judge (ALJ). This matter is assigned to the undersigned ALJ.

3. The Commission issued a Notice of Application Filed (Notice) on September 29, 2004. In the Notice, the Commission established a procedural schedule in this proceeding. This Order will vacate that procedural schedule.

4. On October 7, 2004, the Colorado Office of Consumer Counsel intervened in this proceeding of right and requested a hearing.

5. On October 8, 2004, the Staff of the Commission intervened in this proceeding of right and requested a hearing.

6. The proposed effective date for the discontinuance or curtailment is November 15, 2004. In light of this date the ALJ finds that it is necessary to treat this Application expeditiously. As a result, by this Order, the ALJ will deem the Application complete.¹

7. 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 **October 27, 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.

8. The parties should be prepared to discuss the following matters at the prehearing conference: (a) date by which Applicant will file its list of witnesses, summaries of testimony, and exhibits;² (b) date by which each Intervenor will file its list of witnesses, summaries of testimony, and exhibits; (c) date by which each party will file prehearing motions; (d) date by

¹ At present, the Commission file in this matter does not contain the affidavit and related forms of notice required by Rule 4 *Code of Colorado Regulations* (CCR) 723-25-7.8. See also Rule 4 CCR 723-25-7.6. This is not surprising because Rule 4 CCR 723-25-7.8 provides that an applicant must file the affidavit and forms of notice “not less than 15 days before the date of the proposed discontinuance or curtailment.” In this case the last day for filing the affidavit is November 1, 2004. In addition, Rule 4 CCR 723-25-7.5 requires Applicant to provide notice to each affected customer, and to others, “[a]t least 30 days prior to the effective date of the proposed discontinuance or curtailment.” Thus, Applicant must mail the notices on or before October 17, 2004. Applicant is reminded that it need not wait until the last day to mail the notices or to file the affidavit and forms of notice. Further, Applicant is reminded that the affidavit and forms of notice are required elements of Applicant’s proof in this matter; in other words, in order for the Application to be granted, Applicant must prove that it timely met the two notice-related requirements (in addition to any other pertinent elements contained in Rule 4 CCR 723-25).

² In view of the need for prompt action on this Application, each party must file at least a list of witnesses, a detailed summary of each witness’s testimony, and copies of exhibits. If it wishes to do so, a party may (but need not) file testimony in question and answer format.

which the parties will file any stipulation reached; (e) hearing date; and (f) date for oral post-hearing statements of position, assuming such statements are necessary. 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.

9. In considering proposed dates, parties should keep in mind that the Applicant seeks permission to discontinue service on November 15, 2004.³

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.

II. ORDER

A. It Is Ordered That:

1. The Application to Discontinue or Curtail Jurisdictional Telecommunications Service filed on September 27, 2004, by Inspiren Communications, Inc., is deemed to be complete as of the date of this Order.

2. The procedural schedule established in the Notice of Application Filed, dated September 29, 2004, is vacated.

³ The ALJ will issue a recommended decision in this matter, and the possibility exists that one or more parties will take exceptions to the recommended decision. Given the time constraints, especially if exceptions are taken, it is extremely unlikely that a Commission decision in this proceeding will issue on or before November 15, 2004. See § 40-6-113, C.R.S.; Rule 4 CCR 723-1-92.

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

DATE: October 27, 2004

TIME: 10:00 a.m.

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

4. The parties must be prepared to discuss the matters set forth above.
5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge