

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04C-465T

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IN THE MATTER OF THE FILING OF SEMI-ANNUAL COLORADO HIGH COST SUPPORT MECHANISM WORKSHEETS OR THE DECLARATION OF DE MINIMIS FORM IN ACCORDANCE WITH RULES 4 CCR 723-41 FOR THOSE TELECOMMUNICATIONS SERVICES PROVIDERS THAT HOLD A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OR A LETTER OF REGISTRATION WITH THE COMMISSION.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
KEN F. KIRKPATRICK  
ALLOWING FOR SUPPLEMENT**

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Mailed Date: October 15, 2004

**I. STATEMENT**

1. On October 13, 2004, Staff of the Public Utilities Commission (Staff) filed its Motion to Vacate and Reschedule Hearing. By this motion Staff seeks to have the hearing in this matter currently scheduled for November 1, 2004, vacated and rescheduled to December 8, 2004, or as soon thereafter as possible. As grounds for the motion, Staff states that the Attorney General's Office has four full time attorneys assigned to represent Staff. It further states that two of those attorneys will be engaged in other hearings. One attorney will be out-of-town, and the fourth attorney:

... will be occupied with numerous other previously scheduled matters before the Colorado Public Utilities Commission, and will not have sufficient time to prepare for and attend a hearing in this docket.

The issues in this proceeding are not complex. As described by the caption, this proceeding involves a failure of certain certificated carriers to file a worksheet or declaration of *de minimis* form. It is estimated that preparation for this hearing, for an experienced attorney, would take at

most one hour. The hearing itself, based on experience, should not exceed one hour. Given this information, in the absence of any representation that the fourth attorney has a conflict of any sort, the mere statement that the attorney “will be occupied” is insufficient to establish good cause for the continuance of the hearing. Therefore, the undersigned Administrative Law Judge will allow Staff to supplement its motion with additional information within seven days of the effective date of this Order. If no supplement is filed, the motion will be denied.

## **II. ORDER**

### **A. It Is Ordered That:**

1. Staff of the Commission may supplement its Motion to Vacate and Reschedule Hearing, filed October 13, 2004, within seven days of the effective date of this Order.
2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge

