

Decision No. R04-1314-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-221T

IN THE MATTER OF P C TELCOM'S PETITION FOR SUSPENSION OF LNP
REQUIREMENTS.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
SETTING PRE-HEARING CONFERENCE**

Mailed Date: November 5, 2004

I. STATEMENT

1. The captioned proceeding was commenced on May 3, 2004, when Phillips County Telephone Company (PC Telecom) filed a Combined Petition for Suspension and Motion for Expedited Treatment and Waiver of Response Time (Petition) requesting that the Commission temporarily suspend its wireline to wireless local number portability (LNP) obligations until November 24, 2004.

2. The Colorado Public Utilities Commission (Commission) granted the Petition on June 11, 2004. *See*, Decision No. C04-0630.

3. On September 22, 2004, PC Telecom filed a Motion to Reopen the Record to request a further suspension until November 24, 2005.

4. On September 28, 2004, N.E. Colorado Cellular, Inc., doing business as Viaero filed a Motion to Intervene and Request for Hearing (Motion). The Commission granted the Motion on October 15, 2004, and assigned the matter to the undersigned administrative law judge (ALJ) for hearing and/or disposition on an expedited basis. *See*, Decision No. C04-1213.

5. On November 3, 2004, the ALJ informally requested that the parties advise him of their availability for a pre-hearing conference to be held on or before November 15, 2004. The advisements provided by the parties indicate that November 15, 2004, is the only mutually available date for such a conference. Therefore, a pre-hearing conference will be scheduled on that date by the Order that follows.

6. The pre-hearing conference will potentially deal with all issues contemplated by 4 *Code of Colorado Regulations* 723-1-79(b)(5) including, without limitation, identification of issues to be addressed in this proceeding, the resolution of any pending motions, the timing and scope of discovery, the desirability of submitting testimony and exhibits in written form, and the establishment of a procedural schedule, including deadlines for the filing of answer, rebuttal and/or cross-answer testimony and exhibits, motions, statements of position, and hearing dates.

7. Notwithstanding the Commission's directive that this matter be processed on an expedited basis, it will not be possible to issue an administratively final order in this proceeding prior to November 24, 2004, the current date upon which the suspension of the LNP requirements imposed on PC Telecom expires. Therefore, counsel for the parties will be expected to present oral argument at the pre-hearing conference concerning the issue of whether the suspension period can be extended pending issuance of such an administratively final decision.

8. In order to assist the ALJ, the parties are urged to confer prior to commencement of the pre-hearing conference in an attempt to reach agreement on a procedural schedule that will result in completion of the hearing in this matter no later than December 31, 2004.¹

¹ The ALJ advises that he is currently available for hearing on November 29, 2004, and December 1, 6, 7 (p.m. only), 8, 13, 14, 20, 21, 27, 28 and 29, 2004.

II. ORDER

A. It Is Ordered That:

1. A pre-hearing conference is scheduled in this matter as follows:

DATE: November 15, 2004

TIME: 10:00 a.m.

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

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge