

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

DOCKET NO. 04A-486T

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IN THE MATTER OF THE APPLICATION OF FORTIS COMMUNICATIONS, INC. FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL  
EXCHANGE TELECOMMUNICATIONS SERVICES.

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

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Mailed Date: December 9, 2004

**I. STATEMENT**

1. The captioned proceeding was commenced on September 27, 2004, when Fortis Communications, Inc., filed an application with the Colorado Public Utilities Commission (Commission) for a certificate of public convenience and necessity to provide local exchange telecommunications services.

2. The Commission gave public notice of the application on September 29, 2004.

3. On October 27, 2004, the Commission deemed the application complete and assigned it to the undersigned administrative law judge (ALJ) for hearing and further processing.

4. On November 5, 2004, the Staff of the Commission filed its Notice of Intervention, Entry of Appearance, Notice Pursuant to Rule 9(d) and Rule 24(a)(1), and Request for Hearing.

5. On December 7, 2004, the ALJ informally requested that the parties advise him of their availability for a pre-hearing conference to be held on or before December 21, 2004. The advisements provided by the parties indicate that the afternoon of December 14, 2004, is a

convenient time for all concerned. Therefore, a pre-hearing conference will be scheduled at that time by the Order that follows.

6. The pre-hearing conference will potentially deal with all issues contemplated by 4 *Code of Colorado Regulations* (CCR) 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, 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, and the applicability of 4 CCR 723-1-21 concerning the representation of parties in this proceeding by non-attorneys.

7. 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 February 28, 2005.<sup>1</sup>

## **II. ORDER**

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

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

DATE: December 14, 2004  
TIME: 1:00 p.m.  
PLACE: Commission Hearing Room  
1580 Logan Street, OL2  
Denver, Colorado

2. This Order shall be effective immediately.

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<sup>1</sup> The ALJ advises that he is currently **unavailable** for hearing on December 22, 23, 24, 30, and 31, 2004; January 6, 7, 10, 13, 14, 17, 19, 20, 21, 26, 27, and 31, 2005; and February 1 through 4, 7 through 11, and 21, 2005.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge