

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-486T

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

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
SETTING HEARING AND ESTABLISHING
PROCEDURES AND PROCEDURAL SCHEDULE**

Mailed Date: December 15, 2004

I. STATEMENT

1. The captioned proceeding was commenced on September 27, 2004, when Fortis Communications, Inc. (Fortis), 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 (Staff) 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 9, 2004, the ALJ scheduled a pre-hearing conference for December 14, 2004. *See*, Decision No. R04-1461-I.

6. On December 13, 2004, the ALJ was advised by legal counsel for Fortis that the parties had reached agreement on a procedural schedule that was consistent with the guidelines established by Decision No. R04-1461-I. On that same day the Staff submitted its Unopposed Motion to Vacate Pre-Hearing Scheduling Conference and Motion for Approval of Procedural Schedule, and Waiver of Response Time (Motion). The Motion requests that the pre-hearing conference be vacated and that the procedural schedule proposed by the parties be adopted.

7. Good grounds having been shown, the Motion will be granted and the procedures and procedural schedule set forth therein will be adopted by the Order that follows.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Vacate Pre-Hearing Scheduling Conference and Motion for Approval of Procedural Schedule, and Waiver of Response Time filed by the Staff of the Commission is granted.

2. The pre-hearing conference scheduled in this matter for December 14, 2004, is vacated.

3. The hearing of this matter is scheduled as follows:

DATE: February 25, 2005

TIME: 9:00 a.m.

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

4. Fortis Communications, Inc., shall file its direct testimony and exhibits, in question and answer form, on or before January 10, 2005.

5. The Staff of the Commission shall file its answer testimony and exhibits, in question and answer form, on or before January 25, 2005.

6. Fortis Communications, Inc., shall file any desired rebuttal testimony and exhibits, in question and answer form, on or before February 8, 2005.

7. Discovery shall be initiated on or before February 11, 2005.

8. The parties shall file any corrected testimony or exhibits on or before February 16, 2005.

9. Responses to discovery shall be served within seven days of the discovery to which it is directed. In all other respects, 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).

10. All pre-hearing motions and/or stipulations shall be filed on or before February 22, 2005.¹

11. A final pre-hearing conference is scheduled as follows:²

DATE: February 22, 2005

TIME: 10:00 a.m.

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

¹ The Motion suggested that pre-hearing motions and stipulations be filed on or before February 21, 2005, and that a final pre-hearing conference be scheduled on that date. However, February 21, 2005, is a state holiday and the Commission will not be open for business on that day.

² In the event the parties determine that a final pre-hearing conference is unnecessary they shall advise the administrative law judge of that fact on or before February 18, 2005.

12. Any desired Post-Hearing Statements of Position shall be filed on or before March 10, 2005.

13. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge