

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-587T

IN THE MATTER OF THE APPLICATION OF CCG COMMUNICATIONS LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL
EXCHANGE TELECOMMUNICATIONS SERVICES AND A LETTER OF REGISTRATION
TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICES.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
VACATING PROCEDURAL SCHEDULE,
SETTING PREHEARING CONFERENCE,
IDENTIFYING ISSUES FOR DISCUSSION,
AND REQUIRING MOTION FOR
ADMISSION *PRO HAC VICE***

Mailed Date: December 29, 2004

I. STATEMENT

1. On November 19, 2004, CCG Communications LLC (Applicant), filed an Application for Certification of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services and Letter of Registration to Provide Emerging Competitive Telecommunications Services (Application). Applicant did not file its direct testimony and exhibits with its Application. The Application commenced this docket.

2. Applicant is represented in this proceeding by Lance J.M. Steinhart, Esquire, of Alpharetta, Georgia. Based on the information available in the Commission file on this matter, it appears that Mr. Steinhart is not admitted to the practice law in Colorado. As a consequence, Mr. Steinhart will be ordered to file, on or before **January 7, 2005**, a Motion for Admission *Pro Hac Vice*. This motion shall comply with the requirements of Rule 4 *Code of Colorado*

Regulations (CCR) 723-1-21(a) and with the requirements of Colo.R.Civ.P. 121, § 1-2, and Colo.R.Civ.P. 221. In addition, the motion must contain information establishing that Mr. Steinhart has paid the required fee to, and has made the necessary filing with, the Office of Attorney Registration of the Colorado Supreme Court.

3. The Commission gave public notice of the Application. Posting of Notice Application Filed (Notice), dated November 24, 2004. In that Notice, the Commission established a 20-day intervention period. To the extent that the Notice also established a procedural schedule, this Order will vacate that procedural schedule.

4. By letter dated December 10, 2004, Applicant provided supplemental and clarifying information pertaining to the Application. This letter is filed in the Commission file on this matter.

5. On December 21, 2004, the Commission referred this matter for hearing before an Administrative Law Judge (ALJ) and deemed the Application complete as of that date.

6. On December 28, 2004, Staff of the Commission (Staff) timely filed its intervention of right and request for hearing. This is the only intervention in this proceeding.

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 **January 10, 2005**. The provisions of Rules 4 CCR 723-1-79(b)(3) and 4 CCR 723-1-79(b)(4) will govern this prehearing conference.

8. Applicant must be prepared to discuss the letter submitted on December 10, 2004, and its relationship (if any) to the Application. For example, are the letter and the information it contains to be considered supplements to the Application so that the information is incorporated into the Application? If not, what is the status or meaning of the letter and the information?

9. In addition, the parties must be prepared to discuss these matters at the prehearing conference: (a) date by which Applicant will file its direct testimony¹ and exhibits; (b) date by which Staff will file its answer testimony and exhibits; (c) date by which Applicant will file its rebuttal testimony and exhibits; (d) date by which each party will file its corrected testimony and exhibits; (e) date by which each party will file its prehearing motions;² (f) whether a final prehearing conference is necessary and, if it is, the date for that prehearing conference; (g) date by which the parties will file any stipulation reached;³ (h) hearing date; and (i) date for each party to file its post-hearing statement of position (assuming the parties wish to file statements of position) and whether response should be permitted. In addition, the parties should be prepared to discuss any matters pertaining to discovery if the procedures and time frames contained in 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 outlined in Rule 4 CCR 723-1-79(b)(5). Finally, either party may raise any additional issue.

10. In considering proposed dates, parties should keep in mind that the Commission deemed the Application complete as of December 21, 2004. Absent Applicant's waiver of the statutory time frame or a finding of extraordinary circumstances, a Commission decision in this proceeding should issue within 210 days of that date (*i.e.*, on or before July 19, 2005). *See* §§ 40-6-109.5(2) and 40-6-109.5(4), C.R.S.; 4 CCR 723-1-70. Any procedural schedule must take into account, and must allow time for, preparation of a recommended decision, preparation

¹ Testimony is filed in question and answer format.

² This date should be at least 10 days before the final prehearing conference or, if there is no final prehearing conference, 14 days before the hearing.

³ This date should be at least seven calendar days before the first day of hearing.

of exceptions to the recommended decision and response to exceptions, and preparation of a Commission decision on exceptions,⁴ all of which should occur by July 19, 2005.

11. The undersigned ALJ expects the parties to come to the prehearing conference with proposed dates for all deadlines. The parties must consult prior to the prehearing conference with respect to the listed matters and 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 procedural schedule, if any, established in the Posting of Notice of Applications Filed dated November 24, 2004, is vacated.

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

DATE: January 10, 2005
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

3. On or before January 7, 2005, Lance J.M. Steinhart, Esquire, shall file a Motion for Admission *Pro Hac Vice*, which motion meets the requirements of ¶ I.2, *supra*.

4. The parties must be prepared to discuss the matters set forth above.

5. This Order is effective immediately.

⁴ As a general rule, and not including the time necessary for preparation of a transcript if one is ordered, these activities consume 10 to 12 weeks from the end of the hearing, the filing of statements of position, or the filing of responses to statements of position, whichever occurs last.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge