

Decision No. C05-0443

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

DOCKET NO. 04A-411T

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IN THE MATTER OF THE COMBINED APPLICATION OF QWEST CORPORATION FOR RECLASSIFICATION AND DEREGULATION OF CERTAIN PART 2 PRODUCTS AND SERVICES AND DEREGULATION OF CERTAIN PART 3 PRODUCTS AND SERVICES.

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DOCKET NO. 04D-440T

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STAFF OF THE COLORADO PUBLIC UTILITIES COMMISSION'S PETITION FOR A DECLARATORY ORDER CONCERNING THE RECLASSIFICATION AND DEREGULATION OF TELECOMMUNICATIONS SERVICES UNDER PARTS 2 AND 3, TITLE 40, ARTICLE 15 OF THE COLORADO REVISED STATUTES.

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**INTERIM ORDER PARTIALLY GRANTING  
JOINT MOTION AND SETTING STATUS CONFERENCE**

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Mailed Date: April 14, 2005

Adopted Date: April 14, 2005

**I. BY THE COMMISSION**

**A. Statement and Discussion**

1. Before the Commission is a Joint Motion to set aside or modify Commission Decision No. C05-0442 Regarding the Joint Motion to Continue Hearing, Extend Procedural Deadlines and for Waiver of Response Time, filed by Qwest Corporation (Qwest), the Colorado Office of Consumer Counsel (OCC), and Staff of the Colorado Public Utilities Commission (Staff) on April 14, 2005. The Joint Movants also request a waiver of response time to their motion to modify our Decision. The Joint Movants represent that other parties in this docket do not object to the relief sought in this motion. AARP specifically reserves its right to object to

beginning hearings on April 25, 2005 if the purpose of the hearing is to take evidence on a proposed stipulation.

2. The Joint Movants ask the Commission to reconsider the procedural timeline set forth in Decision No. C05-0442 because they believe it impossible to file a settlement by April 19, 2005 at 9:00 a.m.

3. The Joint Movants suggest that if helpful to the Commission, a status conference could be held on April 15, 2005, in the afternoon or the morning of April 18, 2005. We believe that a status conference would be helpful with respect to this motion to modify Decision No. C05-0442, but will hold this conference at 9:00 a.m., April 15, 2005.

4. Due to our limited time to hold this status conference, we expect the parties to be able to address specific questions succinctly with respect to the scope and status of settlement negotiations. In addition, we request intervenors, that do not expect to be signatories to the settlement, to be prepared to respond. Questions to be addressed are set forth in Attachment A to this decision.

## **B. Conclusion**

5. We thus partially grant the motion, and will hold a status conference on April 15, 2005 at 9:00 am. We will address the balance of the Joint Motion to Modify at that time.

6. We also waive response time to the Joint Motion to Modify.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Joint Motion to Modify Decision No. C05-0442 filed by Qwest Corporation, the Office of Consumer Counsel and Staff of the Commission is partially granted.

2. We will hold a status conference on the issues presented by this Motion on April 15, 2005 at 9:00 am.

3. Parties shall be prepared to address the questions set forth in Attachment A at the status conference.

4. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING  
April 14, 2005.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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CARL MILLER

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Commissioners

CHAIRMAN GREGORY E. SOPKIN  
ABSENT.

1. Whether all parties are open to settlement, and whether all parties are participating actively in the negotiations. If all parties are not participating in the negotiations, do those parties anticipate asserting rights for a hearing? If so, what form of hearing would those parties request?
2. The current status of settlement process.
3. The scope of the settlement. Are there major issues that will not be settled?
4. Has agreement in principle been reached?
5. Has the agreement, such as it may exist, been reduced to writing?
6. When do the parties anticipate completion of the document and filing with the Commission?
7. With regard to procedure:
  - a. If a stipulation is filed, what timelines do the parties envision for a hearing on the stipulation? (It should be a given that advisors and Commissioners need at least four business days to review the stipulation).
  - b. If a hearing is to occur, how much time would a hearing require?
  - c. If a stipulation is presented but only approved in part by the Commission or denied by the Commission, how should the docket proceed? Specifically, what options exist at that point for the Commission and the parties?
  - d. Should the Commission adopt a final date for filing a stipulation? If so, what is that date? If not, please explain why no such date is appropriate?
  - e. If the Commission sets a date for filing a stipulation and no stipulation is filed on that date, what options then exist for the parties and the Commission?
8. If the June 28, 2005 statutory deadline becomes an issue, is Qwest willing to withdraw and refile its application?