

Decision No. C08-1219

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 08R-476T

IN THE MATTER OF PROPOSED RULES RELATING TO THE COLORADO HIGH COST
SUPPORT MECHANISM.

**INTERIM ORDER ESTABLISHING ADDITIONAL
COMMENT DATES AND SETTING ADDITIONAL
TECHNICAL CONFERENCE DATES RESULTING
FROM THE GRANT OF QWEST CORPORATION'S
MOTION REGARDING PROCEDURES**

Mailed Date: November 21, 2008
Adopted Date: November 20, 2008

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission following its consideration of the Motion for Extension of Time to File Comments, Motion to Continue Workshop and for Shortening of Response Time (Motion) filed by Qwest Corporation (Qwest) on November 17, 2008. In addition, the Commission also considers the response filed by the Colorado Office of Consumer Counsel (OCC) on November 18, 2008.

2. Through the Motion, Qwest essentially requests that the Commission establish further proceedings in this matter to account for an overlap between this matter and a proceeding

that the Federal Communications Commission (FCC) is presently conducting. Qwest asserts that the FCC's matter¹ parallels the issues the Commission desires to address in its rulemaking, specifically the Federal Universal Service Fund, rate rebalancing and broadband deployment.

3. Qwest seeks prompt relief regarding the merits of the Motion because the deadlines in the Commission's rulemaking proceeding are approaching rapidly. Specifically, the current deadlines in this rulemaking matter are November 26, 2008 (requested due date for comments) and December 1, 2008 (*en banc* technical workshop). See Decision No. C08-1129.

4. Upon review of Qwest's Motion and the OCC's response, the Commission finds that the procedural schedule set forth in Decision No. C08-1129 should be modified. Therefore, instead of shortening response time as requested by Qwest, the Commission will waive response time to the Motion.

5. The Commission recognizes that it cannot now vacate the technical conference schedule set forth in Decision No. C08-1129 without contravening the statutory procedures applicable to agency rulemakings; however, in light of Qwest's motion and this order, the Commission anticipates little, if any, comment to be provided in conjunction with the previously set December 1, 2008 Technical Conference.

¹ Qwest's motion references the FCC's matter as: Order on Remand and Report and Order and Further Notice of Proposed Rulemaking, *In the Matter of, High-Cost Universal Service Support, WC Docket No. 05-337, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Lifeline and Linkup, WC Docket No. 03-109, Universal Service Contribution Methodology, WC Docket No. 06-122, Numbering Resource Optimization, CC Docket No. 99-200, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92, Intercarrier Compensation for ISP-Bound Traffic, CC Docket No. 99-68, IP-Enabled Services, WC Docket No. 04-36, FCC 08-262 (F.C.C. November 5, 2008).*

6. Therefore, by this interim order, the Commission is setting additional comment dates and an additional technical conference date. The Commission's hope is that by providing additional time to interested persons to prepare and file comments and to prepare oral presentations (which presentations will not be permitted if they are deemed unnecessary), the comments and/or oral presentations will be more thorough and comprehensive than if the Commission adhered to the previously established procedural schedule. The Commission expects interested persons to take advantage of this opportunity to develop their comments over the lengthier comment period set forth below.

7. An additional technical conference shall be conducted on the proposed rules and related issues at the below-stated time and place. Interested persons may submit written comments on the rules, including data, views, or arguments, and present these orally at the additional technical conference unless the Commission deems oral presentation unnecessary. The Commission encourages interested persons to submit written comments before the additional technical conference date set forth below. In the event interested persons wish to file written comments before the additional technical conference date set forth below, the Commission requests that such comments be submitted no later than January 9, 2009, at noon.

8. As stated in Decision No. C08-1129, the Commission prefers that interested persons submitting comments do so both in paper and, when possible, electronic format and that suggested rule language changes be presented in legislative format. The Commission may post electronically submitted comments to its website.

9. The Commission will consider all comments and replies, whether submitted and presented in conjunction with the December 1, 2008 technical conference date or whether submitted and presented in conjunction with the January 16, 2009 additional technical

conference date set by this interim order. No person will be prejudiced by the selection of the latter set of comment and technical conference dates announced by this interim order over the selection of the procedural dates established by Decision No. C08-1129; in fact the Commission urges interested persons to select the latter set of comment and technical conference dates.

II. ORDER

A. The Commission Orders That:

1. Response time to the Motion for Extension of Time to File Comments, Motion to Continue Workshop and for Shortening of Response Time (Motion) filed by Qwest Corporation (Qwest) on November 17, 2008 is waived.

2. The Motion filed by Qwest is granted consistent with the above discussion.

3. An additional technical conference on the issues and related matters shall be held before the Commission *en banc* as follows:

DATE: January 16, 2009

TIME: 9:00 a.m.

PLACE: Commission Hearing Room, Suite 250
1560 Broadway
Denver, Colorado

4. The Commission may set additional technical conferences, if necessary.

5. At the time set for the additional technical conference in this matter, interested persons may submit written comments and may present these orally unless the Commission deems oral comments unnecessary. Interested persons may file written comments in this matter before the additional technical conference set above. The Commission prefers that such pre-filed comments be submitted in both paper and, when possible, electronic format no later than January 9, 2009, at noon.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 20, 2008.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in black ink that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RONALD J. BINZ

JAMES K. TARPEY

MATT BAKER

Commissioners