

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1374T

IN THE MATTER OF THE APPLICATION OF TEMPO TELECOM, LLC, FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN
THE STATE OF COLORADO FOR THE LIMITED PURPOSE OF OFFERING
WIRELESS LIFELINE SERVICE TO QUALIFIED HOUSEHOLDS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
SCHEDULING EVIDENTIARY HEARING,
ESTABLISHING PROCEDURAL SCHEDULE,
AND SHORTENING RESPONSE TIME
TO MOTIONS PERTAINING TO DISCOVERY**

Mailed Date: February 18, 2014

I. STATEMENT

1. On December 24, 2013, Tempo Telecom, LLC (Applicant), filed an Application for Designation as a Wireless Eligible Telecommunications Carrier in the State of Colorado and [for] Waiver of Certain Commission Rules (Application). That filing commenced this Proceeding.

2. On December 26, 2013, the Commission issued its Notice of Application Filed (Notice). The Notice contained, *inter alia*, a procedural schedule. On February 4, 2014, Decision No. R14-0127-I vacated that procedural schedule.

3. The Colorado Office of Consumer Counsel (OCC) timely intervened as of right and is a party in this Proceeding. The Trial Staff of the Commission (Staff) timely intervened as of right and is a party in this Proceeding.

4. OCC and Staff, collectively, are the Intervenors. Applicant and Intervenors, collectively, are the Parties.

5. On January 29, 2014, by Minute Order the Commission referred this matter to an Administrative Law Judge (ALJ).

6. By Decision No. R14-0127-I, the ALJ scheduled a February 14, 2014 prehearing conference in this matter.

7. The ALJ convened the prehearing conference on the date, at the time, and in the place ordered. All Parties were present, were represented, and participated.

8. At the prehearing conference, OCC stated that, as of the date of the prehearing conference, it opposes and contests the Application.

9. At the prehearing conference, Staff stated that, as of the date of the prehearing conference, it contests the Application.

10. At the prehearing conference, the Parties proposed a procedural schedule and an evidentiary hearing date that are satisfactory to the Parties. In order to meet the § 40-6-109.5, C.R.S., timeframe, a Commission decision on the Application should issue not later than August 27, 2014. In order to meet that date, the evidentiary hearing must be concluded not later than May 23, 2014. The hearing date proposed by the Parties meets that requirement.

11. The ALJ finds to be acceptable, and will adopt, the proposed procedural schedule. The ALJ will order the following procedural schedule: (a) not later than **February 28, 2014**, Applicant will file its direct testimony and exhibits; (b) not later than **March 31, 2014**, each intervenor will file its answer testimony and exhibits; (c) not later than **May 2, 2014**, Applicant will file its rebuttal testimony and exhibits; (d) not later than **May 2, 2014**, each intervenor will

file cross-answer testimony and exhibits;¹ (e) not later than **May 12, 2014**, each party will file its corrected testimony and exhibits; (f) not later than **May 12, 2014**, each party will file its prehearing motions; (g) not later than **May 12, 2014**, the Parties will file any stipulation or settlement reached; (h) the evidentiary hearing will be held on **May 20, 2014**; and (i) not later than **June 3, 2014**, each party will file its post-hearing statement of position, to which no response will be permitted.

12. Except as modified by this Interim Decision, Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1405² will govern discovery.

13. Subject to the provisions of Rules 4 CCR 723-1-1100 and 723-1-1101, discovery requests and discovery responses will be served on all Parties.

14. Motions pertaining to discovery may be filed at any time. Unless otherwise ordered, responses to motions pertaining to discovery will be written and will be filed within *three business days of service of the motion*.³ If necessary, the ALJ will hold a hearing on a discovery-related motion as soon as practicable after the motion is filed.

15. Rules 4 CCR 723-1-1100 and 723-1-1101 will govern the treatment of information claimed to be confidential.

¹ Cross-answer testimony responds only to the answer testimony of another intervenor.

² This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

³ By this Interim Decision, the ALJ will shorten response time with respect to discovery-related motions.

II. ORDER

A. It Is Ordered That:

1. The evidentiary hearing in this Proceeding is scheduled for the following date, at the following time, and in the following location:

DATE: May 20, 2014
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. The following procedural schedule is adopted: (a) not later than February 28, 2014, Tempo Telecom, LLC (Applicant), shall file its direct testimony and exhibits; (b) not later than March 31, 2014, each intervenor shall file its answer testimony and exhibits; (c) not later than May 2, 2014, Applicant shall file its rebuttal testimony and exhibits; (d) not later than May 2, 2014, each intervenor shall file cross-answer testimony and exhibits; (e) not later than May 12, 2014, each party shall file its corrected testimony and exhibits; (f) not later than May 12, 2014, each party shall file its prehearing motions; (g) not later than May 12, 2014, the Parties shall file any stipulation or settlement reached; and (h) not later than June 3, 2014, each party shall file its post-hearing statement of position, to which (absent further order) no response will be permitted.

3. Except as modified by this Interim Decision, Rule 4 *Code of Colorado Regulations* 723-1-1405 shall govern discovery.

4. Subject to the provisions of Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101, discovery requests and responses shall be served on all Parties.

5. Unless otherwise ordered, response to a motion pertaining to discovery shall be filed within three business days of service of the motion.

6. Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101 shall govern the treatment of information claimed to be confidential.

7. The Parties are held to advisements contained in the Interim Decisions issued in this Proceeding.

8. This Interim Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge