

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1337T

IN THE MATTER OF THE APPLICATION OF SAGE TELECOM COMMUNICATIONS, LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE
STATE OF COLORADO FOR THE PURPOSE OF OFFERING WIRELESS LIFELINE
SERVICE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING HEARING AND
ESTABLISHING DEADLINES**

Mailed Date: February 25, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On December 18, 2013, Sage Telecom Communications LLC (Applicant or Sage) filed an Application for Designation as an Eligible Telecommunications Carrier in the State of Colorado for the Limited Purpose of Offering Wireless Lifeline Service (Application).

2. Sage seeks designation as an Eligible Telecommunications Carrier within all local service exchange areas in Colorado pursuant to Sections 214 and 254 of the Telecommunications Act of 1996 and Rule 2187 of the Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* 723-2, as well as Federal Communications Commission Universal Service, 47 *Code of Federal Regulations* § 54.101, *et seq.* Sage intends to provide Lifeline service only to qualifying customers. Sage is a reseller of wireless services offered by Sprint Communications Company, L.P. and Verizon Wireless LLC.

3. The Commission gave public Notice of the Application on December 24, 2013.

4. On January 17, 2014, the Colorado Office of Consumer Counsel filed a “Notice of Intervention of Right, Entry of Appearance and Request for Hearing.”

5. On January 27, 2014, Commission trial Staff filed a Notice of Intervention as of Right, Entry of Appearance, and Notice Pursuant to Rules 1401 and 1007(a) and Request for Hearing.

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

7. By Decision No. R14-0154-I issued February 7, 2014, the ALJ scheduled this matter for a prehearing conference to address the following issues:

- date by which Applicant will file its direct testimony and exhibits;
- date by which each intervenor will file its answer testimony and exhibits;
- date by which Applicant will file its rebuttal testimony and exhibits;
- date by which each intervenor will file cross-answer testimony and exhibits;
- date by which each party will file its corrected testimony and exhibits;
- date by which each party will file its prehearing motions;
- whether a final prehearing conference is necessary and, if it is, the date for that prehearing conference;
- date by which the Parties will file any stipulation or settlement reached;
- date(s) for the evidentiary hearing; and
- date by which each party will file its post-hearing statement of position, to which no response will be permitted.

8. The Decision also raised several other issues to be addressed at the prehearing conference, if the parties deemed it necessary. Decision No. R14-0154-I. That is, the parties were ordered to be prepared to discuss at the prehearing conference: (a) any matter pertaining to discovery if the procedures and timeframes contained in Rule 1405, 4 CCR 723-1 of the

Commission's Rules of Practice and Procedure, are not sufficient; (b) any matter pertaining to information claimed to be confidential if Rule 1100, 4 CCR 723-1 is not adequate. *Id.*

9. On February 20, 2014, Sage filed an "Unopposed Motion, Proposed Procedural Schedule, and Request to Vacate Pre-Hearing Conference" (Motion). The Motion requests that the February 24, 2014 prehearing conference be vacated and that the ALJ approve the procedural schedule the parties agreed-upon, as set forth in the Motion. The Motion states the parties have agreed that no changes or modifications to the Commission's rules pertaining to discovery and confidentiality are necessary.

10. By Decision No. R14-0201-I issued February 24, 2014, the ALJ granted the parties' request to vacate the prehearing conference.

11. The ALJ will *sua sponte*, waive the response time to the Motion, as the Motion is unopposed. Rule 1400(b), Rules of Practice and Procedure, 4 CCR 723-1.

12. The ALJ informally contacted the parties shortly after Sage's Motion was filed; the ALJ informed the parties that she is unavailable on the date the parties proposed for the hearing. Appendix A. The ALJ gave Sage an opportunity to confer with the parties and provide a new hearing date and procedural schedule before the time of the prehearing conference. Sage did so. Sage proposed a new agreed-upon hearing date and schedule. *Id.* With the exception of a change to the hearing date proposed (to which the parties have agreed), the ALJ will order the procedural schedule proposed by the parties and will schedule the hearing as requested. The ALJ will vacate the prehearing conference.

II. ORDER**A. It Is Ordered That:**

1. A hearing will be held on the merits of Sage Telecom Communications LLC's (Applicant) Application for Designation as an Eligible Telecommunications Carrier in the State of Colorado for the Limited Purpose of Offering Wireless Lifeline Service as follows:

DATE: April 25, 2014

TIME: 9:15 a.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado 80202

2. Applicant shall file its direct testimony and exhibits by 5:00 p.m. on February 21, 2014.

3. Colorado Office of Consumer Counsel and Commission trial Staff, (collectively Interveners), shall file their answer testimony and exhibits by 5:00 p.m. on March 14, 2014.

4. Applicant shall file its rebuttal testimony and exhibits by 5:00 p.m. on April 4, 2014.

5. Interveners shall file cross-answer testimony and exhibits by 5:00 p.m. on April 4, 2014. Cross-answer testimony responds only to the answer testimony of another intervenor.

6. All parties shall file prehearing motions by 5:00 p.m. on April 14, 2014.

7. All parties shall file their corrected testimony and exhibits by 5:00 p.m. on April 21, 2014.

8. All parties shall file any stipulation or settlement reached by 5:00 p.m. on April 21, 2014.

9. All parties shall file their post-hearing statement of position, to which no response will be permitted, by 5:00 p.m. on May 8, 2014.

10. All exhibits to be introduced at the evidentiary hearing shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, Exhibit 3). The parties shall coordinate with each other to ensure the correct numbering sequence of exhibits (*e.g.*, Applicant may have exhibit numbers 1-50, the OCC may have exhibit numbers 50-100, and Staff may have exhibit numbers 100-150).

11. Exhibits shall include the following information: exhibit number, proceeding number, name of the witness who will testify to the exhibit's foundation, and the date of the hearing. The parties must have all their exhibits stamped prior to the time the hearing is scheduled to begin.

12. At the hearing, the parties shall bring an original and three copies of each pre-marked exhibit they intend to introduce, along with a completed exhibit list in the format set forth in Appendix B to this Decision.

13. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number *each page* of the exhibit.

14. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director