

Decision No. R14-1416-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0996T

IN THE MATTER OF THE APPLICATION OF THE CITY OF AURORA, COLORADO TO
INCREASE THE EMERGENCY TELEPHONE SURCHARGE RATE.

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

Mailed Date: November 26, 2014

I. STATEMENT

1. On October 2, 2014, the City of Aurora (Aurora) filed an application to increase the emergency telephone surcharge from \$0.70 to \$1.20 per subscriber line per month (Application) pursuant to § 29-11-102(2)(B), C.R.S.

2. The Commission gave public Notice of the Application on October 3, 2014.

3. With the Application, Aurora filed a Motion for Waiver of Statutory Notice Provisions (Motion). The Commission granted the Motion on October 9, 2014. Decision No. C14-1231-I.

4. The Commission deemed the Application complete and referred this matter to an Administrative Law Judge (ALJ) for disposition on November 20, 2014.

5. On October 24, 2014, trial Staff of the Public Utilities Commission (Staff) filed an intervention. Staff raises issues to be addressed during an evidentiary hearing.

6. The ALJ will establish a procedural schedule and will schedule a hearing on the merits of the Application.

7. All parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* 723-1. The ALJ expects the parties to comply with the Rules of Practice and Procedure. The rules are available on the Commission's website (www.dora.colorado.gov/puc) and in hard copy from the Commission.

8. All parties are advised that failure to make disclosures as required by this Decision may result in a decision dismissing the Application without prejudice, or a decision preventing the party who violates this Decision from presenting undisclosed witnesses and evidence at the evidentiary hearing.

II. ORDER

A. It Is Ordered That:

1. A hearing on the merits of the City of Aurora, Colorado Application to Increase Emergency Telephone Surcharge (Application) is scheduled as follows:

DATES: February 11, 12, and 13, 2015
TIMES: 9:15 a.m. each day
PLACE: Commission Hearing Room
1560 Broadway, Second Floor, Suite 250
Denver, Colorado

2. At the above date, time, and place you will be given the opportunity to be heard if you so desire.

3. The City of Aurora (Aurora) shall file with the Commission and serve on all parties its direct testimony and exhibits on or by 5:00 p.m. MST on December 19, 2014.

4. Trial Staff of the Public Utilities Commission shall file with the Commission and serve on all parties its answer testimony and exhibits on or by 5:00 p.m. MST on January 16, 2015.

5. Aurora shall file with the Commission and serve on all parties its rebuttal testimony and exhibits on or by 5:00 p.m. MST on January 30, 2015.

6. Pursuant to the parties' request, discovery responses relating to direct and answer testimony shall be provided within ten calendar days of service of the discovery request, and discovery responses relating to rebuttal testimony shall be provided within seven calendar days of service of the discovery request.

7. Pretrial motions shall be filed by 5:00 p.m. MST on February 9, 2014.

8. Statements of position shall be filed by 5:00 p.m. MST on February 27, 2014. Responses to statements of position are not permitted.

9. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, Exhibit 3). The parties shall work together to coordinate sequential numbering of all exhibits (*e.g.*, Applicant may agree to use exhibit numbers 1-25, while Commission Staff uses exhibit numbers 26-50).

10. Exhibits shall be marked to 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 pre-marked and properly identified prior to the time the hearing is scheduled to begin.

11. Each type of a witness's testimony, including attachments to the testimony, (*e.g.*, direct, answer, and rebuttal) shall be marked as one hearing exhibit. The title of such exhibits should also include the type of testimony and the name of the witness. For example, if

Hearing Exhibit 1 is the direct testimony of witness John J. Doe, the following title should be used “Hearing Exhibit 1, Direct Testimony of John J. Doe.” This shall be done on the document itself, and in the title input when e-filing the document with the Commission.

12. Anything accompanying pre-filed written testimony (*e.g.*, exhibits, appendices, or attachments) shall be identified as an “attachment” to that hearing exhibit and shall include the witnesses’ initials, (*e.g.*, an attachment to John J. Doe’s testimony shall be titled “Hearing Exhibit 1, Attachment JJD-1”). This shall be done on the document itself, and in the title input when e-filing the document with the Commission.

13. At the hearing, the parties shall bring enough copies of the pre-marked exhibits they intend to introduce to ensure that there is a copy available for each party, for the witness stand, for the administrative law judge, and for one to be treated as the original exhibits.

14. The parties shall also bring to the hearing a completed exhibit list in the format set forth in Appendix A to this Decision.

15. If any exhibit or attachment to an exhibit is longer than two pages, the party offering the exhibit shall sequentially number *each page* of the exhibit.

16. Failure to file and serve testimony and exhibits as required by this Decision, except witnesses called in rebuttal and exhibits used for rebuttal or impeachment, may result in a decision prohibiting any undisclosed witnesses from testifying, and denying the admission of any undisclosed exhibit. Such failure may also result in the dismissal of the Application without prejudice.

17. 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