

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
VACATING HEARING AND PROCEDURAL
SCHEDULE AND PERMITTING
APPLICANT TO FILE AN AMENDED APPLICATION**

Mailed Date: December 29, 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 deemed the Application complete and referred this matter to an Administrative Law Judge (ALJ) for disposition on November 20, 2014.

3. On October 24, 2014, trial Staff of the Public Utilities Commission filed an intervention.

4. By Decision No. R14-1416-I, the ALJ scheduled a hearing on the merits of the Application, and established a procedural schedule.

5. On December 19, 2014, Aurora filed a “Stipulated Motion to Vacate Hearing and Procedural Schedule, and for Filing of Amended Application” (Stipulation). The Stipulation is executed by all parties. The Stipulation states that the parties agree that an amended application

would be helpful and would make the potential for a stipulated resolution more likely. The parties request that Aurora be permitted to file an amended application.

6. The Stipulation additionally requests that the hearing and the procedural schedule be vacated, and that by January 30, 2015, the parties will propose a new hearing date and procedural schedule.

7. The Stipulation states that Aurora waives the 210-day statutory deadline for a Commission decision to issue under § 40-6-109.5, C.R.S.

8. As the Stipulation is agreed-upon by all parties to this proceeding, the ALJ will *sua sponte* waive the response time to it. Rule 1400(b) of the Rules of Practice and Procedure found at *4Code of Colorado Regulations 723-1*.

9. The ALJ finds that the parties have shown good cause to vacate the hearing and procedural schedule, and for Aurora to be permitted to file an amended application. The ALJ will grant the relief sought by the Stipulation. The ALJ will also order the parties to file an agreed-upon proposed hearing date and procedural schedule.

II. ORDER

A. It Is Ordered That:

1. The hearing on the merits of the Application to Increase Emergency Telephone Surcharge in this proceeding scheduled for February 11, 12, and 13, 2015 is vacated.

2. The procedural schedule set forth in Decision No. R14-1416-I is vacated. A new schedule will be established at a later date.

3. On or by 5:00 p.m. on January 30, 2014, Commission trial Staff and the City of Aurora (Aurora) shall file an agreed-upon proposed hearing date and procedural schedule.

The filing should clearly indicate the number of days the parties request for the evidentiary hearing.

4. Aurora is granted leave to file an amended application; the amended application must be filed by 5:00 p.m. on January 23, 2015.

5. Aurora's waiver of the 210-day statutory deadline set forth by § 40-6-109.5, C.R.S., for a Commission decision to issue is hereby acknowledged.

6. This 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

MELODY MIRBABA

Administrative Law Judge