

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0213T

IN THE MATTER OF THE APPLICATION OF LIVE WIRE NETWORKS, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF COLORADO FOR THE LIMITED PURPOSE OF OFFERING LIFELIFE SERVICE TO QUALIFIED HOUSEHOLDS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING REMOTE PREHEARING CONFERENCE**

Mailed Date: July 15, 2020

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On May 22, 2020, Live Wire Networks, Inc. (Live Wire) filed the above-captioned Application (Application) with the Public Utilities Commission (Commission). The Commission gave public notice of the Application that same day.

2. On June 25, 2020, Commission Trial Staff (Staff) filed a Notice of Intervention as of Right by Staff, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing (Intervention). Staff's Intervention identifies issues that it intends to raise and address in this proceeding, and requests a hearing on the Application. Intervention, ¶¶ 1-2.

3. During its weekly meeting on July 1, 2020, the Commission deemed the Application complete and referred this matter to an administrative law judge (ALJ) for disposition.

4. In anticipation of the evidentiary hearing on the Application, the ALJ is scheduling a remote prehearing conference per Rule 1409(a), 4 *Code of Colorado Regulations* 723-1, of the Commission's Rules of Practice and Procedure. At the remote prehearing conference, an

evidentiary hearing will be scheduled, and procedural deadlines will be established, including deadlines to file witness and exhibit lists, exhibits, post-hearing statements of position, settlement agreements and stipulations, and prehearing motions.

5. The parties may raise other issues relevant to this proceeding at the prehearing conference. The parties are required to confer on a hearing date and procedural deadlines before the prehearing conference. As part of this conferral, the parties must discuss whether they are willing and able to hold the evidentiary hearing by video-conference.¹ To assist the parties in conferring on a proposed hearing date and procedural schedule, the parties are advised that in order to meet the statutory deadline for a final Commission decision to issue, the ALJ anticipates holding a hearing no later than September 24, 2020. *See* § 40-6-109.5(2), C.R.S.

6. The ALJ encourages the parties to submit a proposed hearing date and procedural schedule prior to the prehearing conference which also addresses whether the parties agree to hold the evidentiary hearing by video-conference. In such a circumstance, provided that the ALJ substantially approves the proposed schedule, the ALJ may vacate the prehearing conference.

7. The remote prehearing conference will be held using the web-hosted video conferencing service, GoToMeeting. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link and meeting ID or access code will be provided to the parties by email before the hearing, and the parties will be prohibited from distributing that information to anyone not participating in the hearing.

¹ Due to the COVID-19 global pandemic, the Commission's offices are not open to the public, and therefore no in-person hearings are being held. It is unknown when the Commission will be able to hold hearings in-person, but the Commission has been holding evidentiary hearings by video-conference.

8. Information and direction on using GoToMeeting to attend the hearing is provided in Attachment A to this Decision. The ALJ strongly encourages the parties to test their ability to use GoToMeeting *before* the remote prehearing conference.

9. *All parties are on notice that* failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.

II. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, a remote prehearing conference is scheduled as follows:

DATE: July 29, 2020

TIME: 3:00 p.m.

METHOD: By video conference using GoToMeetings at link provided to parties by email

2. The parties may not distribute the GoToMeeting link, and access or ID code to non-participants.

3. Attachment A is incorporated into this Decision.

4. This Decision is effective immediately.



Doug Dean

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge