

(Decision No. C92-991)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

LARRY D. O'BRYANT,)	
)	
Complainant,)	CASE NO. 6402
)	
v.)	COMMISSION INITIAL DECISION
)	APPROVING STIPULATION
U S WEST COMMUNICATIONS, INC.,)	
)	
Respondent.)	

- - - - -
Mailed Date: August 4, 1992
Adopted Date: July 31, 1992
- - - - -

STATEMENT

BY THE COMMISSION:

By stipulation and joint motion for approval filed June 29, 1992, Larry D. O'Bryant and U S WEST Communications, Inc. (U S WEST), request this Commission to approve their stipulation concerning the reasonable costs and attorney's fees for the legal work performed on behalf of Mr. O'Bryant through June 26, 1992. Further, the parties request this Commission to bypass the administrative law judge's recommended decision, thus eliminating the necessity to file exceptions and shortening the time that the parties must wait before they may appeal to the District and Supreme Courts.

Pertinently, both parties have agreed that the following legal costs and attorney's fees are just and reasonable for the legal work performed on behalf of Mr. O'Bryant in this matter:

(a)	PUC Fees	<u>Costs:</u>	<u>Fees:</u>	<u>Total:</u>
		\$1,594.62	\$19,700.00	\$21,294.62
(b)	District Court Fees	\$514.87	\$10,856.00	\$11,369.87
(c)	Supreme Court Fees	\$1,559.26	\$31,029.00	\$32,588.26

	<u>Costs:</u>	<u>Fees:</u>	<u>Total:</u>
(d) Fee Motion Fees	\$445.20	\$23,302.05	\$23,747.25
		<u>TOTAL:</u>	\$89,000.00

In effect, for purposes of expediency U S WEST has agreed that, if the Commission decides that O'Bryant is entitled to an award of attorney's fees and costs, the above represents the reasonable amount for each. Similarly, Mr. O'Bryant has agreed that, if the PUC's decision that he is entitled to an award of costs and attorney's fees is upheld, the above figures represent the amount which he should reasonably recover. In view of the stipulation, the hearing in this matter currently scheduled for July 2 and 6, 1992, becomes moot, since there no longer is a dispute between the parties concerning the amounts in question and, therefore, will be vacated. Rather, the remaining dispute for determination on appeal is a legal one regarding whether or not U S WEST is obliged to pay at all as was determined by the Commission.

An appropriate order will enter.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Joint Motion for Approval of Stipulation filed June 29, 1992, with supplement filed July 22, 1992, is granted. U S WEST Communications, Inc., is ordered to pay Larry D. O'Bryant or his legal representatives the sum of \$89,000 within 30 days after the date this Order becomes a final unappealable order.

2. The hearing in this matter currently scheduled for July 2 and 6, 1992, is vacated.

3. The Commission finds that the due and timely execution of its duties requires that it bypass an administrative law judge's recommended decision in this matter, thus eliminating a layer of administrative review. Accordingly, this Order should be entered as a Commission initial decision.

4. The 20-day time period provided for by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration begins on the first day after the mailing or serving of this Decision and Order.

This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING July 31, 1992.

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Bruce N. Smith
Executive Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GARY L. NAKARADO

CHRISTINE E. M. ALVAREZ

Commissioners

CHAIRMAN ROBERT E. TEMMER NOT
PARTICIPATING.

AGS:srs:60422