

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

{PRIVATE }RE: THE	)	
INVESTIGATION AND SUSPENSION OF	)	DOCKET NO. 92S-738T
TARIFF SHEETS FILED BY DELTA	)	
COUNTY TELE-COMM, INC., WITH	)	ORDER SUSPENDING EFFECTIVE
ADVICE LETTER NO. 47 AND ADVICE	)	DATE OF TARIFFS AND
LETTER NO. 47 - AMENDED.	)	NOTICE OF HEARING

- - - - -  
Mailed Date: December 31, 1992  
Adopted Date: December 30, 1992  
- - - - -

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 27, 1992, Delta County Tele-Comm, Inc. (Delta), filed Advice Letter No. 47, dated November 25, 1992 (attached as Exhibit 1) and on December 23, 1992, Delta filed Advice Letter No. 47 - Amended, dated December 21, 1992 (attached as Exhibit 2).

Delta stated that the purpose of this filing is to comply with the Rules Prescribing the Standard Procedures for Separating Telecommunications Property Costs, Revenues, Expenses, Taxes and Reserves for Access Charges of Small Exchange Telecommunication Service Providers, 4 CCR 723-27.

Delta requested that the tariffs accompanying Advice Letter No. 47 and Advice Letter No. 47 - Amended, become effective on 30 days' statutory notice or, in this instance, on January 1, 1993.

Under § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariffs for hearing which will suspend their effective date for 120 days. Section 40-6-111(1), C.R.S., also provides that the Commission may, in its discretion, by separate order,

suspend the effective date of the tariffs for an additional 90 days.

Thus, the Commission has the power and authority to suspend the effective date of the tariffs for a maximum of 210 days or, in this docket, until July 29, 1993. If the Commission does not establish new rates before the expiration of the first suspension period of 120 days, or April 30, 1993, the tariffs filed by Delta will become effective by operation of law. If the Commission further suspends, by separate order, the effective date of the tariffs for an additional 90 days, and if no new rates are established by the Commission on or before July 29, 1993, the tariffs filed by Delta will become effective by operation of law.

The Commission finds that it will set the proposed tariffs for hearing and will suspend their effective date because the rates contained in the tariffs may not be just and reasonable.

A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariffs shall not allow participation as an intervenor in this matter.

THEREFORE THE COMMISSION ORDERS THAT:

1. The tariffs filed by Delta County Tele-Comm, Inc., under Advice Letter No. 47 and Advice Letter No. 47 - Amended, will be set for hearing before an Administrative Law Judge at a location sufficient and convenient to the customers of Delta County Tele-Comm, Inc., on a date yet to be determined.

2. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariffs, who desire to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission within 30 days after the mailing date of this Decision, and shall serve a copy of the motion on Delta County Tele-Comm, Inc., its attorney of record, or both.

3. The effective date of the tariffs filed by Delta County Tele-Comm, Inc., on November 27, 1992, pursuant to Advice Letter No. 47, dated November 25, 1992, and on December 23, 1992, pursuant to Advice Letter No. 47 - Amended, is, as of the adopted date of this Decision and Order, suspended for 120 days until April 30, 1993 or until further Order of the Commission.

4. Delta County Tele-Comm, Inc., shall file with the Executive Secretary of the Commission six copies of all exhibits and direct testimonies (or summaries), and serve a copy to each party of record or its attorney on or before 60 days prior to the first day of hearing. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission,

no other, different or additional exhibits, witnesses, or scope of witnesses' testimonies will be permitted to be offered by Delta County Tele-Comm, Inc. in support of its direct case.

5. Intervenors (including Staff) are directed to file with the Executive Secretary of the Commission ten copies of a list containing the name, address, and title of each witness, and ten copies of proposed testimony and exhibits to be presented at the hearing on or before 20 days prior to the first day of hearing and serve copies upon Respondent, and Intervenors and their attorneys, if any.

6. All prehearing motions, of whatever nature, shall be filed on or before 20 days prior to the first day of hearing, and, except for good cause shown, no prehearing motion filed later will be considered.

This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING December 30, 1992.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

---

---

---

Commissioners