

Decision No. R99-1095-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 99S-357T

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY CENTURYTEL OF COLORADO, INC. AND CENTURYTEL OF EAGLE, INC. WITH ADVICE NO. 99-10.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
REQUESTING AFFIDAVITS**

Mailed Date: September 8, 1999

I. STATEMENT

A. This proceeding was instituted by Decision No. C99-772, July 22, 1999. By that decision the Commission suspended the effective date of tariffs filed by CenturyTel of Colorado, Inc., and CenturyTel of Eagle, Inc. (collectively "CenturyTel"). The tariffs concern the addition of an intraLATA toll presubscription change charge. The Commission set the matter for a hearing to be held on November 10, 1999.

B. The Office of Consumer Counsel ("OCC") filed its Notice of Intervention. Staff of the Commission sought to intervene out of time, but that intervention was denied. See Decision No. R99-1012, September 16, 1999.

C. On October 6, 1999, CenturyTel and the OCC¹ filed their Motion to Accept Stipulation and Settlement Agreement and Vacate Hearing. By the stipulation the OCC and CenturyTel agree that a \$3 PIC charge for intraLATA PIC changes is reasonable and should be adopted in lieu of the \$5 charge originally proposed. The parties further agree that the proposed tariff language should be modified to clarify that the \$3 intraLATA PIC change charge will not apply when customers change both their interLATA and intraLATA PICs in a single request. Only a single \$5 interLATA PIC change would apply in those instances. The parties further state that this resolves all the differences between them.

D. The Motion to Accept Stipulation and Settlement Agreement is not verified. There are no affidavits attached to either the motion or the stipulation itself. There is no evidence in the record, in the form of affidavits or otherwise, upon which to base a finding that the charges set forth in the stipulation are just and reasonable. As an alternative to proceeding to hearing, the parties will be allowed a period of time to submit affidavits which would form a record basis sufficient to support a finding that the charges proposed in the stipulation are just and reasonable.

¹ Staff also signed the stipulation and settlement. However, as noted above, Staff is not a party to this proceeding.

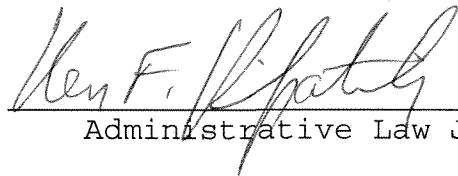
II. ORDER

A. It Is Ordered That:

1. The Motion to Accept Stipulation and Settlement Agreement and Vacate Hearing will be held in abeyance pending a submission of affidavits by the parties as set forth above. The parties shall have 14 days from the effective date of this Order to submit affidavits.

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Administrative Law Judge