

(Decision No. R89-921)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE: THE MATTER OF THE INVESTIGA-
TION OF THE TARIFFS FILED BY AGATE)
MUTUAL TELEPHONE, AGATE, COLORADO,)
PURSUANT TO ADVICE LETTER NO. 8.)
)

I&S DOCKET NO. 1779

RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
JOHN B. STUELPNAGEL

July 3, 1989

STATEMENT OF THE CASE

On November 28, 1988, by Advice Letter No. 8, dated November 28, 1988, Agate Mutual Telephone (Agate) filed Tariff Sheet Third Revised Page 3 in compliance with the requirements of Colorado Public Utilities Commission law. The stated purpose of this filing is to reduce the Carrier Common Line rate in accordance with the Stipulation and Settlement Agreement in Case No. 6607. Agate requested the tariff become effective on 30 days notice on January 1, 1989. By Decision No. C88-1782, issued December 29, 1988, the tariff sheets filed by Agate Mutual Telephone Company were set for hearing on April 21, 1989, at 9:00 a.m. in the Commission Hearing Room, Office Level 2, (OL2), Logan Tower, 1580 Logan Street, Denver, Colorado. The effective date of the tariff sheets were suspended for 120 days until May 1, 1989 or further order of the Commission.

Interventions in this matter were filed January 17, 1989, by AT&T Communications of The Mountain States, Inc., January 23, 1989, by the Staff of the Public Utilities Commission, January 24, 1989, by U S WEST Communications, Inc., and January 26, 1989, by the Colorado Office of Consumer Counsel. On February 21, 1989, Applicant filed a Motion to Allow Same Day Filing and a Motion for Modification of Procedural Order. By Decision No. R89-361-I issued March 13, 1989, the Commission granted both motions filed February 21, 1989 by Agate Mutual Telephone. Further, Agate was directed to provide to the Commission dates available on the Commission calendar and acceptable to all parties in this proceeding for hearing in this matter prior to June 1, 1989. By Decision No. R89-501-I issued April 10, 1989, hearing was set for May 23, 1989 at the same time and place as previously scheduled. On April 26, 1989, the Commission, by Decision No. C89-588, further suspended until July 30, 1989, the effective date of the subject tariff sheets. On May 8, 1989, parties in this matter filed a Stipulation together with a Motion for Approval of Stipulation stating that the issues of this docket are resolved by the

terms of the Stipulation and requesting the Stipulation be approved and the hearing in this matter vacated. Terms of the Stipulation are reasonable and the Stipulation should be accepted and approved and Investigation and Suspension Docket No. 1779, closed.

Pursuant to the provisions of § 40-6-109, C.R.S., the undersigned administrative law judge transmits to the Commission the record of this proceeding and recommends that the following order be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. The Stipulation in the above captioned matter, filed May 8, 1989, by parties to this proceeding is accepted. Hearing scheduled for May 23, 1989, is vacated.

2. On or before July 24, 1989, Agate Mutual Telephone shall file with the Commission new tariff sheets as established by that Stipulation filed with the Commission on May 8, 1989. These tariff sheets shall be effective on one day's notice.

3. I&S Docket No. 1779 is closed.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. IF NO EXCEPTIONS ARE FILED WITHIN 20 DAYS AFTER SERVICE OR WITHIN ANY EXTENDED PERIOD OF TIME AUTHORIZED, OR UNLESS THE DECISION IS STAYED BY THE COMMISSION UPON ITS OWN MOTION, THE RECOMMENDED DECISION SHALL BECOME THE DECISION OF THE COMMISSION AND SUBJECT TO THE PROVISIONS OF § 40-6-114, C.R.S.

D. IF A PARTY SEEKS TO AMEND, MODIFY, ANNUL, OR REVERSE BASIC FINDINGS OF FACT IN ITS EXCEPTIONS; THAT PARTY MUST REQUEST AND PAY FOR A TRANSCRIPT TO BE FILED, OR THE PARTIES MAY STIPULATE TO PORTIONS OF THE TRANSCRIPT ACCORDING TO THE PROCEDURE STATED IN § 40-6-113, C.R.S. IF NO TRANSCRIPT OR STIPULATION IS FILED, THE COMMISSION IS BOUND BY THE FACTS SET OUT BY THE ADMINISTRATIVE LAW JUDGE AND THE PARTIES CANNOT CHALLENGE THESE FACTS. THIS WILL LIMIT WHAT THE COMMISSION CAN REVIEW IF EXCEPTIONS ARE FILED.

6. If exceptions to this decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Administrative Law Judge

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