

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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COLORADO PAYPHONE ASSOCIATION,
ET AL.,

Complainants,

v.

THE MOUNTAIN STATES TELEPHONE AND
TELEGRAPH COMPANY,

Respondent.

DOCKET NO. 89F-442T

INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK

December 19, 1990

STATEMENT, FINDINGS, AND CONCLUSIONS

On October 25, 1990, Staff filed its Motion to Motify and to Clarify Interim Decision No. R90-1350-I. On November 7, 1990, the complainants filed their Motion to Enlarge Time For Filings Response. On November 16, 1990, the complainants filed another Motion to Enlarge Time For Filing Response. The complainants were authorized to file a response to Staff's motion on or before November 30, 1990, by Decision No. R90-1563-I.

On November 30, 1990, the Complainants filed their Response and Motion to Continue Hearing and to Set Aside, Modify, or Stay.

By its Motion to Modify and to Clarify Staff has sought a clarification of Decision No. R90-1350-I, which set out the issues remaining in this proceeding and those that should be dealt with in the U S WEST rate case, Docket No. 90S-544T. U S WEST joins in Staff's request that certain issues be removed from this decision.

By its response filed November 30, 1990, the Complainants note that they have intervened in the U S WEST rate case, Docket No. 90S-544T. Complainants further point to the difficulty in determining what the issues will be in the U S rate case, and thus the overlap between this proceedings and Docket No. 90S-544T is unclear. Complainants therefore request that the hearings in this proceeding be continued and that the proceeding be suspended until a Commission decision is entered in Docket No. 90S-544T. If there are any issues remaining then Complainants could move to reopen this complaint docket at a later date. Complainants represents that the Staff supports that motion. No response to the motion was filed by the Respondent. Good grounds having been shown the motion should be granted.

Complainants further request that "Interim Decision No. 89F-442 (sic) be set aside or stayed as moot, until such time, if any, that this complaint proceeding is reinstated." Assuming that the Complainants are referring to Decision No. R90-1350-I, the motion should be denied. Since this proceeding is suspended and no further action shall take place there is no need for a further order staying or setting aside the prior interim order.

ORDER

IT IS ORDERED THAT:

1. Staff's Motion to Modify and to Clarify Interim Decision No. R90-1350-I filed on October 25, 1990, is denied.

2. This entire proceeding is suspended until a final Commission decision in Docket No. 90S-544T. No further discovery may take place without further order of the Commission. Complainants shall file a motion to renew this proceeding or dismiss the matter within 30 days of a final Commission decision in Docket No. 90S-544T.

3. Complainants' request that "Interim Decision No. 90F-442T" be stayed is construed as a motion to stay Decision No. R90-1350-I and as such is denied as moot.

4. This Decision and Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Administrative Law Judge

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