

Decision No. R04-0006-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03F-533T

CHARLENE M. LONG,

COMPLAINANT,

V.

AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.,

AND

QWEST CORPORATION,

RESPONDENTS.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION, VACATING
HEARING, REQUIRING FILING,
AND WAIVING RESPONSE TIME**

Mailed Date: January 5, 2004

I. STATEMENT

1. On December 15, 2003, Charlene M. Long (Complainant) filed the Complaint which commenced this docket.

2. On December 15, 2003, the Commission issued its Order to Satisfy or Answer to AT&T Communications of the Mountain States, Inc., and to Qwest Corporation (collectively, Respondents). Pursuant to that Order, Respondents are to answer or to satisfy the Complaint on or before January 5, 2004. On the same date the Commission issued its Order Setting Hearing and Notice of Hearing, which scheduled the hearing in this matter for January 26, 2004.

3. On January 2, 2004, Complainant filed a Motion to Vacate Hearing (Motion). In the Motion Ms. Long states that “the issue that gave rise to this action has been resolved.” As a matter of policy, the Commission encourages settlement. The Motion states good cause. Granting the Motion will not prejudice any party. Granting the Motion will not impact compliance with § 40-6-108(4), C.R.S., pertaining to the time within which a decision in a complaint case should issue. That statute provides that the time within which a Commission decision should issue is calculated from the date on which a complainant files its testimony and exhibits. Complainant here has not yet filed her testimony and exhibits.

4. The Motion will be granted, subject to this condition: Complainant will be ordered to file, no later than January 16, 2004, either a report on the status of the settlement or a motion to dismiss the Complaint.

5. The hearing date of January 26, 2004, will be vacated..

6. Given the nature of the Motion and the fact that no party will be prejudiced, response time to the Motion will be waived.

II. ORDER

A. It Is Ordered That:

1. The Motion to Vacate Hearing is granted.
2. On or before January 16, 2004, Charlene M. Long shall file either a report on the status of the settlement or a motion to dismiss the Complaint filed in this docket.
3. The hearing in this matter, scheduled for January 26, 2004, is vacated.
4. Response time to the Motion to Vacate Hearing is waived.

5. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge