

Decision No. R04-0235-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-538T

IN THE MATTER OF THE APPLICATION OF MCLEODUSA TELECOMMUNICATIONS SERVICES, INC., FOR RETURN OF FUNDS MISTAKENLY REMITTED TO THE COLORADO LOW INCOME TELEPHONE ASSISTANCE FUND.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
SHORTENING RESPONSE TIME
AND SCHEDULING HEARING ON
MOTION TO COMPEL RESPONSES
TO AUDIT QUESTIONS**

Mailed Date: March 8, 2004

I. STATEMENT

1. On December 16, 2003, McLeodUSA Telecommunications Services, Inc. (McLeodUSA or Applicant), filed its Application for Return of Funds Mistakenly Remitted to the Colorado Low Income Telephone Assistance Fund (Application). McLeodUSA filed its direct testimony with the Application. The Application commenced this proceeding.

2. On December 17, 2003, the Commission gave public notice of the Application. *See* Notice of Application Filed, dated December 17, 2003. On January 26, 2004, Staff of the Commission (Staff) intervened of right and requested a hearing in this matter.

3. By Decision No. R04-0180-I, the undersigned Administrative Law Judge (ALJ) established a procedural schedule in this matter and set the hearing for May 27, 2004. As pertinent here, Staff's answer testimony is to be filed on or before April 12, 2004.

4. On March 5, 2004, Staff filed a Motion to Compel Responses to Audit Questions and Request for Shortened Response Time. Staff sent the audit questions at issue to Applicant on February 6, 2004. Since that date, it appears that Applicant and Staff have had several conversations about the audit questions at issue. *See generally* Motion to Compel Responses to Audit Questions at 1-4. Because the date for submission of its testimony is approaching and because it needs the requested information in order to prepare that testimony, Staff seeks a shortened response period (to and including March 10, 2004). Staff served a copy of its motion and request on Applicant on March 5, 2004.

5. The request to shorten response time states good cause. Applicant is aware of the Motion to Compel Responses to Audit Questions and the request for shortened response time, having been notified orally and having received a copy of the motion and request on the day Staff filed the pleading with the Commission. No party will be prejudiced by shortening response time to the Motion to Compel Responses to Audit Questions. The request to shorten response time will be granted, and the response time will be shortened to close of business on March 10, 2004.

6. It is necessary to schedule a hearing on the Motion to Compel Responses to Audit Questions. The hearing will be held on Thursday, March 13, 2004, at 1:00 p.m.

7. If the parties should resolve this dispute before the scheduled hearing, Staff will be ordered immediately to inform the ALJ.

II. ORDER

A. It Is Ordered That:

1. The Request for Shortened Response Time is granted.

2. Response to the Motion to Compel Responses to Audit Questions shall be filed on or before close of business on March 10, 2004.

3. Hearing on the Motion to Compel Responses to Audit Questions shall be heard in this matter at the following time and date:

DATE: March 11, 2004

TIME: 1:00 p.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL-2
Denver, Colorado

4. The parties shall follow the procedures and shall make the filings set out above.

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge