

Decision No. R04-0236-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-053EC

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

GENERO THOMATOS,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
GRANTING MOTION FOR PRESENTATION
OF TESTIMONY BY TELEPHONE, PARTIAL
WAIVER OF C.R.C.P. RULE 43(i), CONTINUING
HEARING AND WAIVING RESPONSE TIME**

Mailed Date: March 8, 2004

I. STATEMENT

1. On March 1, 2004, Staff of the Colorado Public Utilities Commission (Staff) filed a Motion for Presentation of Testimony of Staff's witness Donna Fink, and for partial waiver of Colorado Rules of Civil Procedure (C.R.C.P.) Rule 43(i).

2. Staff states that it intends to call an essential witness, Donna Fink, an employee of American and Foreign Insurance Company, located in Charlotte, North Carolina

3. Staff also requests a partial waiver of C.R.C.P. Rule 43(i) which requires that requests for testimony by telephone shall be made by motion at least 21 days prior to the hearing. Staff requests a waiver of the 21-day requirement.

4. No response to the motion was filed.

5. The motion of Staff for presentation of testimony by telephone and for partial waiver of C.R.C.P. Rule 43(i) is supported by good cause and is in the interest of justice. The motion will be granted.

6. On March 1, 2004, Staff filed an Unopposed Motion to Continue the Hearing Currently Scheduled for March 15, 2004 and for a Waiver of Response Time. Counsel for Staff states that he has a scheduling conflict that would not allow him to appear at the hearing as presently scheduled.

7. Counsel for Staff stated that he has contacted Respondent, Genero Thomatos, and Respondent does not oppose the motion.

8. Good cause having been shown, the Motion to Continue the Hearing will be granted.

II. ORDER

A. It Is Ordered That:

1. The motion of Staff of the Colorado Public Utilities Commission for presentation of testimony by telephone of its witness, Donna Fink, and for partial waiver of Colorado Rules of Civil Procedure Rule 43(i) is granted.

2. The Unopposed Motion to Continue Hearing and for Waiver of Response Time is granted.

3. The hearing scheduled for March 15, 2004 is vacated.

4. The hearing is rescheduled as follows:

DATE: April 19, 2004

TIME: 10:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge