

Decision No. R04-0615-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-054T

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO EXECUTE A TRANSFER
OF COLORADO TELESERV, INC.

DOCKET NO. 04A-079T

IN THE MATTER OF THE APPLICATION OF FRANK RAMOGIDA HOLDINGS (CO),
INC., DOING BUSINESS AS ROCK SOLID BROADBAND, FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES AND FOR A LETTER OF REGISTRATION TO
PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICES.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
REQUIRING COLORADO TELESERV, INC.,
TO HAVE COUNSEL**

Mailed Date: June 8, 2004

I. STATEMENT

1. On February 3, 2004, Colorado Teleserv, Inc. (Teleserv), and Frank Ramogida Holdings (CO), Inc. (FRHC), filed an Application Requesting Authority to Execute a Transfer (Transfer Application). The Transfer Application commenced Docket No. 04A-054T (Transfer Proceeding). On February 3, 2004, Teleserv and FRHC also filed Supplemental Material in Support of the Transfer Application. On March 24, 2004, Staff of the Commission (Staff) intervened of right and requested a hearing in the Transfer Proceeding. This is the only intervention in that proceeding.

2. Teleserv is a joint or co-applicant in the Transfer Application and was originally represented by Craig D. Joyce, Esquire. On April 13, 2004, Mr. Joyce filed a Motion to Withdraw as Counsel for Colorado Teleserv, Inc. The undersigned Administrative Law Judge (ALJ) granted that motion. Teleserv is now not represented by counsel in this matter.

3. By Decision No. R04-0457-I at ¶ I.10, for the reasons stated in that Order, the ALJ ordered Teleserv to file, on or before May 14, 2004,

a verified (*i.e.*, sworn) filing that: (a) establishes that Teleserv is a closely held entity; (b) establishes that the amount in controversy in this proceeding does not exceed \$10,000; (c) identifies the individual who will represent Teleserv at the hearing; (d) establishes that the identified individual is an officer of Teleserv; and (e) if the identified individual does not meet the requirements of § 13-1-127(2.3), C.R.S., it has appended to it a resolution from Teleserv's Board of Directors that specifically authorizes the identified individual to represent Teleserv in this matter.

4. The ALJ also gave Teleserv the option of filing, on or before May 14, 2004, a pleading stating that it will be represented in this proceeding by an attorney at law currently in good standing before the Supreme Court of the State of Colorado and identifying that counsel. The ALJ ordered the counsel to enter her/his appearance on or before May 14, 2004.

5. As of the date of this Order, based on review of the Commission file in this docket, Teleserv has not made the filing due on May 14, 2004.¹ Given the absence of information to the contrary, the ALJ finds and concludes that Teleserv does not meet the statutory and rule requirements to proceed in this matter without counsel. If Teleserv wishes to participate in this matter as an active party, it must obtain counsel and that counsel must enter her/his appearance in this matter on or before June 14, 2004.

¹ Teleserv also did not file its direct testimony and exhibits on or before May 21, 2004. See Decision No. R04-0373-I at ¶ I.11.

6. Absent further Order, without counsel Teleserv will not be permitted to offer testimony or exhibits, to cross-examine witnesses, or otherwise to participate as an active party in this consolidated matter.

II. ORDER

A. It Is Ordered That:

1. Colorado Teleserv, Inc., has not established that it meets the statutory and rule requirements to proceed in this matter without counsel.

2. On or before June 14, 2004, counsel for Colorado Teleserv, Inc., must enter her or his appearance in this proceeding.

3. If counsel for Colorado Teleserv, Inc., does not enter her or his appearance in this matter on or before June 14, 2004, Colorado Teleserv, Inc., shall not be permitted to offer testimony or exhibits, to cross-examine witnesses, or otherwise to participate as an active party in this matter.

4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge