

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-213T

IN THE MATTER OF THE APPLICATION OF LECLINK, INC., 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
ESTABLISHING PROCEDURAL SCHEDULE
AND SETTING HEARING DATE**

Mailed Date: July 5, 2004

I. STATEMENT

1. On April 29, 2004, LecLink, Inc. (Applicant), filed an Application 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 (Application). The Application commenced this docket.
2. The Commission gave public notice of the Application. *See* Posting of Application Filed (Notice), dated April 30, 2004.
3. The Commission deemed the Application complete as of June 4, 2004.
4. Staff of the Commission (Intervenor) timely filed its intervention of right and request for hearing. This is the only intervention in this proceeding.

5. On July 6, 2004, pursuant to Decision No. R04-0641-I, the undersigned Administrative Law Judge (ALJ) held a prehearing conference in this matter. Applicant and Intervenor were present and participated.

6. The parties presented a proposed procedural schedule which was satisfactory to them and which met the time frame established in § 40-6-109.5, C.R.S. At the prehearing conference the ALJ stated that the procedural schedule, as changed during the conference, was acceptable and would be adopted.

7. The following schedule will be adopted: (a) on or before **July 16, 2004**, Applicant will file its direct testimony and exhibits; (b) on or before **August 13, 2004**, Intervenor will file its answer testimony and exhibits; (c) on or before **August 23, 2004**, Applicant will file its rebuttal testimony and exhibits; (d) on or before **September 13, 2004**, each party will file its prehearing motions; (e) on or before **September 17, 2004**, the parties will file any stipulation reached; (f) hearing will be held on **October 5, 2004**; and (g) on or before **October 19, 2004**, each party will file its post-hearing statement of position, to which (absent further Order) no response will be permitted.

8. No final prehearing conference will be scheduled at this time. In the event either party believes that a final prehearing conference would be beneficial, that party may file a motion to hold a final prehearing conference.

9. The procedures of Rule 4 *Code of Colorado Regulations* (CCR) 723-1-77 will govern discovery in this matter, *except as follows*: (a) the time for response to discovery directed to direct testimony will be shortened to five calendar days; (b) the time for response to discovery

directed to answer testimony will be shortened to five calendar days; and (c) objections to discovery will be served with the responses.

10. Rule 4 CCR 723-1-22(d)(3) states: “If a pleading refers to new court cases or other authorities not readily available to the Commission, six copies of each case or other authority shall be filed with the pleading.” If a party wishes the ALJ to consider a cited authority *other than* an opinion of the United States Supreme Court, a reported Colorado state court opinion, or a Commission decision, the party must provide copies of that cited authority.

11. The parties must provide the decision number when referring to or citing a Commission decision.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule set out above is adopted.
2. Hearing in this matter will be conducted on the following date, at the following time, and in the following location:

DATE: October 5, 2004
TIME: 9:00 a.m.
PLACE: Commission hearing Room
1580 Logan Street, OL2
Denver, Colorado

3. The parties shall follow the procedures and shall make the filings set out above.
4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge