

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-359AT

IN THE MATTER OF THE APPLICATION OF COLORADO TELESERV, INC., DOING
BUSINESS AS ROCK SOLID BROADBAND, TO DISCONTINUE OR CURTAIL
JURISDICTIONAL RESIDENTIAL AND BUSINESS SERVICES.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING MOTION TO INTERVENE;
GRANTING MOTION FOR WAIVER
OF 4 CCR 723-25-7.4 THROUGH
4 CCR 723-25-7.8; SETTING
HEARING; AND ESTABLISHING
PROCEDURES AND PROCEDURAL SCHEDULE**

Mailed Date: August 3, 2004

I. STATEMENT

1. The captioned proceeding was commenced on July 9, 2004, when Colorado Teleserv, Inc., doing business as Rock Solid Broadband (CTI), filed an application with the Colorado Public Utilities Commission (Commission) requesting authority to discontinue regulated telecommunications services on September 9, 2004.

2. On July 15, 2004, the Commission assigned this matter to the undersigned administrative law judge and directed that it be handled on an expedited basis. *See*, Decision No. C04-0784.

3. The Staff of the Colorado Public Utilities Commission (Staff) and the Colorado Office of Consumer Counsel (OCC) have filed interventions in this matter. The Commission has designated Qwest Corporation (Qwest) an indispensable party to this proceeding.

4. On July 22, 2004, FRHC, Inc., formerly known as Frank Ramogida Holdings, Inc. (FRHC), filed its Petition for Leave to Intervene (FRHC Petition to Intervene).

5. A pre-hearing conference was held on August 2, 2004. *See*, Decision No. R04-0864-I. Appearances were entered on behalf of Staff, OCC, and FRHC by their respective legal counsel. Mr. Albert E. Brust, CTI's President, appeared on behalf of that entity.

6. At the pre-hearing conference, comment was received in connection with the FRHC Petition to Intervene. Both Staff and the OCC supported the relief requested therein. Neither Qwest nor CTI opposed the FRHC Petition to Intervene. As a result, the FRHC Petition to Intervene was granted.¹

7. Discussion was then held concerning the customer notification requirements imposed upon CTI by 4 *Code of Colorado Regulations* (CCR) 723-25-7.4 through 7.8. The CTI application proposes that its service be discontinued or curtailed on September 9, 2004. As a result, 4 CCR 723-25-7.4 and 7.5 would require CTI to provide its customers with the notice described in 4 CCR 723-25-7.6 and 7.7 on or before August 10, 2004. Under 4 CCR 723-25-7.8 CTI would be required to file an affidavit with the Commission attesting to its compliance with these customer notice provisions on or before August 25, 2004.

8. At the pre-hearing conference the OCC moved for a waiver of the above-described notice requirements. In connection with that motion, it proposed that the content of the required customer notice, as well as the timing for providing the same, be the subject of any transition plan ultimately approved by the Commission in connection with this application. No party opposed the motion for waiver and it was granted.

¹ The Staff, the OCC, Qwest, and FRHC may be collectively referred to herein as "Intervenors."

9. At the pre-hearing conference the OCC, Staff, and Qwest presented an agreed set of procedures and a procedural schedule that should result in resolution of this application on an expedited basis. Neither CTI nor FRHC opposed the procedures and procedural schedule proposed by these parties. Therefore, such procedures and procedural schedule will be adopted by the Order that follows.

II. ORDER

A. It Is Ordered That:

1. The Petition for Leave to Intervene filed by FRHC, Inc., formerly known as Frank Ramogida Holdings, Inc., in the captioned proceeding is granted.

2. The motion to waive the requirements of 4 *Code of Colorado Regulations* 723-25-7.4 through 7.8 submitted by the Colorado Office of Consumer Counsel is granted. The content of the notice to be provided by Colorado Teleserv, Inc., doing business as Rock Solid Broadband, to its customers concerning its discontinuance or curtailment of service, as well as the timing for providing the same, shall be the subject of any transition plan ultimately approved by the Colorado Public Utilities Commission in connection with this application.

3. The hearing of this proceeding is scheduled as follows:

DATE: September 2, 2004

TIME: 9:00 a.m.

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

4. Colorado Teleserv, Inc., doing business as Rock Solid Broadband, shall file its list of witnesses, a summary of their direct testimony, and copies of its exhibits on or before August 12, 2004.

5. Intervenor shall file their respective list of witnesses, a summary of their answer testimony, and copies of their exhibits on or before August 19, 2004.

6. Colorado Teleserv, Inc., doing business as Rock Solid Broadband, shall file its list of any desired rebuttal witnesses, a summary of their rebuttal testimony, and copies of its rebuttal exhibits on or before August 26, 2004.

7. Intervenor shall file their respective list of cross-answer witnesses, a summary of their cross-answer testimony, and copies of their cross-answer exhibits on or before August 26, 2004.

8. Any desired post-hearing Statements of Position shall be submitted orally at the conclusion of the hearing.

9. Responses to all written discovery shall be served within seven calendar days of service of the discovery requests to which they are directed. Objections to discovery shall be served within three business days of receipt of the discovery. Motions to compel discovery shall be filed within five business days of receipt of objections to discovery. In all other respects, discovery shall be governed by Rules 77(a) and (b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations*, 723-1-77(a) and (b).

10. All motions shall be filed on or before August 30, 2004.

11. Responses to motions shall be filed within five business days of receipt of the motion to which they are directed.

12. All witness lists, summaries of testimony, exhibits, discovery, motions, or other pleadings shall be served on all parties electronically on the same date they are filed with the Commission or by overnight delivery for receipt on the next business day.

13. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge