

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-197T

IN THE MATTER OF THE JOINT APPLICATION OF SUNWEST COMMUNICATIONS, INC., AND USURF AMERICA, INC., FOR AN ORDER APPROVING THE TRANSFER OF SUNWEST COMMUNICATIONS, INC., TO UTEL, INC.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
SETTING ORAL ARGUMENT ON
MOTION TO COMPEL AND
SHORTENING RESPONSE TIME**

Mailed Date: August 12, 2004

I. STATEMENT

1. On April 23, 2004, SunWest Communications, Inc., UTEL, Inc., and USURF America, Inc. (collectively, Applicants), jointly filed an Application in which they seek a Commission order approving the transfer of the assets of SunWest Communications, Inc., to UTEL, Inc., which is a wholly-owned subsidiary of USURF America, Inc. (Application). The Application commenced this docket. Both the Colorado Office of Consumer Counsel (OCC) and the Staff of the Commission intervened in this proceeding of right, and each requested a hearing.

2. On August 10, 2004, OCC filed a Motion to Compel [Applicants'] Response to OCC's Second Set of Data Requests (Motion).

3. Intervenor answer testimony, including that of OCC, is to be filed on or before August 26, 2004. *See* Decision No. R04-0791-I. As a result of this approaching filing date and to resolve this matter as quickly as possible in order to retain that filing date, the undersigned

Administrative Law Judge (ALJ) will schedule oral argument on the Motion for August 13, 2004. Counsel for OCC and counsel for Applicants are available at that time.

4. The ALJ will shorten the time for response to the Motion to and including the scheduled oral argument on August 13, 2004.

5. On August 11, 2004, the ALJ provided notice, either in person or by telephone, of this oral argument to all parties.

II. ORDER

A. It Is Ordered That:

1. Oral argument on the Motion to Compel is scheduled as follows:

DATE: August 13, 2004

TIME: 10:00 a.m.

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

2. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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