

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-382T

IN THE MATTER OF THE APPLICATION OF GLOBAL NAPS COLORADO, 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
NOTICING WAIVER, GRANTING UNOPPOSED
MOTION, VACATING HEARING DATE,
SCHEDULING HEARING, MODIFYING
PROCEDURAL SCHEDULE, AND
WAIVING RESPONSE TIME**

Mailed Date: November 19, 2004

I. STATEMENT

1. On July 23, 2004, Global NAPs Colorado, 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. On July 27, 2004, the Commission gave public notice of the Application. On September 2, 2004, Staff of the Commission filed its intervention of right and request for hearing. This is the only intervention in this proceeding.

3. The Commission deemed the Application complete as of August 31, 2004.

4. A prehearing conference was held on September 28, 2004. Following that prehearing conference, the undersigned Administrative Law Judge (ALJ), to whom this matter is

assigned, scheduled a hearing for December 21, 2004, and established a procedural schedule. *See* Decision No. R04-1187-I. To date the parties have made the filings required by that Order.

5. On November 18, 2004, Applicant filed an Unopposed Motion to Vacate and Reschedule Hearing, for Waiver of Response Time, and Waiver of Statutory Deadline (Motion). In that filing Applicant waives the requirements of § 40-6-109.5, C.R.S. Thus, the Commission need not issue its decision in this matter within the time frames of that statutory provision. In view of this waiver, the ALJ finds the requested change in the hearing date to be acceptable.

6. The Motion states good cause, and granting the Motion will not prejudice any party. The Motion will be granted, and the proposed hearing date will be adopted. The hearing will be held on **February 17, 2005**.

7. In view of the change in hearing date, the procedural schedule adopted in Decision No. R04-1187-I will be modified as follows: on or before **March 7, 2005**, each party will file its post-hearing statement of position, to which (absent further order) no response will be permitted. The remaining dates in the procedural schedule and the provisions governing discovery remain as established in Decision No. R04-1187-I at ¶¶ 6 and 8.

8. Because the Motion is unopposed, the request to waive response time to the Motion will be granted. Response time to the Motion will be waived.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Vacate and Reschedule Hearing, for Waiver of Response Time is granted.

2. The provisions of § 40-6-109.5, C.R.S., do not apply to this proceeding.

3. The hearing scheduled in this matter of December 21, 2004, is vacated.

4. Hearing in this matter will be conducted on the following date, at the following time, and in the following location:

DATE: February 17, 2005

TIME: 9:00 a.m.

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

5. The parties shall make the filings set out above.

6. Except as modified by this Order, the provisions and requirements established in Decision No. R04-1187-I remain in effect.

7. The Unopposed Motion for Waiver of Response Time is granted.

8. Response time to the Unopposed Motion to Vacate and Reschedule Hearing is waived.

9. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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