

Decision No. R14-0526-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0147T

IN THE MATTER OF THE APPLICATION OF THE CHAFFEE COUNTY EMERGENCY TELEPHONE SERVICE AUTHORITY TO ASSESS AN EMERGENCY TELEPHONE SURCHARGE RATE OF ONE DOLLAR AND FIFTY CENTS (\$1.50) PER SERVICE USER PER MONTH PURSUANT TO § 29-11-102(2)(B), C.R.S.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SUSPENDING DEADLINES AND VACATING HEARING**

Mailed Date: May 15, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On February 18, 2014, the Chaffee County Emergency Telephone Service Authority (Chaffee County) filed an application to assess an emergency telephone surcharge rate of \$1.50 per service user per month pursuant to § 29-11-102(2)(b), C.R.S.

3. Commission Staff (Staff) and the Colorado Office of Consumer Counsel (the OCC) timely intervened of right.

4. On March 19, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.

5. On April 8, 2014, the ALJ scheduled a hearing and established procedural deadlines based upon the parties' agreed-upon schedule. Decision No. R14-0372-I.

6. On April 22, 2104, Staff filed an unopposed “Motion to Extend Deadline for Filing Supplemental Direct Testimony” (first Motion). By Decision No. R14-0427-I issued on April 23, 2014, the ALJ granted the first Motion and extended the deadline for Chaffee County to file supplemental direct testimony to April 29, 2014.

7. Chaffee County filed Supplemental Direct Testimony and Exhibits on April 29 and 30, 2014.

8. On April 30, 2014, Staff filed an “Unopposed Motion to Extend Deadline for Filing Answer, Cross-Answer and Rebuttal Testimony” (second Motion). By Decision No. R14-0459-I issued on May 1, 2014, the ALJ granted the second Motion and extended the deadlines set by Decision No. R14-0371-I, as follows:

- the deadline for Staff and the OCC to file answer testimony and exhibits was extended to May 16, 2014;
- the deadline for Chaffee County to file rebuttal testimony and exhibits was extended to June 3, 2014; and
- the deadline for Staff and the OCC to file cross-answer testimony and exhibits was extended to June 3, 2014.

9. The June 18, 2014 hearing date remained unchanged.

10. On May 14, 2014, Staff filed an “Unopposed Motion to Modify Procedural Schedule” (third Motion). The third Motion states that the parties have reached a tentative settlement in principle and are working on reducing their settlement to writing. Based upon their settlement, Staff requests that the Commission suspend all the deadlines referenced in ¶ 8 above as well as the deadline to file corrected testimony and exhibits, the deadline to file prehearing and dispositive motions, and the deadline to file post-hearing statements of position. The third Motion requests that the June 9, 2014 deadline to file settlement agreements remain. Staff requests that in lieu of a hearing on June 18, 2014 on the settlement agreement,

that the parties be required to address any issues concerning their settlement in writing. As grounds, Staff states that counsel for Chaffee County would be required to drive a significant distance to a hearing.

11. The third Motion is unopposed. Staff requests that the response time to the third Motion be waived since it is unopposed and no prejudice will result to any party.

12. As the third Motion is unopposed, the ALJ finds good cause to waive the response time to it, pursuant to Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

13. The ALJ finds that Staff has shown good cause to suspend the referenced deadlines and that doing so will not prejudice any party.

14. However, in order to allow the parties to respond to questions concerning their stipulation in writing, rather than appearing at a hearing, the deadline to file settlement agreements should be shortened. This allows the ALJ time to review the settlement agreement, issue an order with any questions to the parties, and for the parties to respond in writing by June 18, 2014. Requiring that responses be submitted by June 18, 2014 preserves the date by which all answers to the ALJ's questions would be provided if the hearing date remained in place. Moreover, since the parties will have no other deadlines to address, they will be able to submit their settlement agreement earlier than the June 9, 2014 deadline. The ALJ finds that no prejudice will result to any party by shortening this deadline. Moreover, since Chafee County has not waived the statutory deadline for a Commission decision to issue, it is important that this matter proceed to a resolution within the time-frame originally anticipated.

15. The ALJ will suspend deadlines as requested by the third Motion, will shorten the deadline to file settlements and stipulations to June 2, 2014, and will vacate the June 18, 2014 hearing. If the ALJ has questions concerning the settlement that can be answered in writing, the ALJ will issue an order requiring that those questions be answered by the parties by June 18, 2014.

16. For good cause shown, the ALJ will grant the Motion in part, as stated herein.

II. ORDER

A. **It Is Ordered That:**

1. The response time to the Office of Consumer Counsel's "Unopposed Motion to Modify Procedural Schedule" (Motion) is waived.

2. The Motion is granted. The following deadlines are suspended:

- the deadline for Commission Staff (Staff) and the Colorado Office of Consumer Counsel (the OCC) to file answer testimony and exhibits;
- the deadline for the Chaffee County Emergency Telephone Service Authority to file rebuttal testimony and exhibits;
- the deadline for Staff and the OCC to file cross-answer testimony and exhibits;
- the deadline to file corrected testimony and exhibits,
- the deadline to file prehearing and dispositive motions; and
- the deadline to file post-hearing statements of position

3. The deadline to file settlements and stipulations is shortened from June 9, 2014 to June 2, 2014.

4. The hearing scheduled for June 18, 2014 is vacated.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director