

Decision No. R14-0955-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0129E

ANNE MARIE DAMIAN AND JOHN M. TAYLOR, JR.,

COMPLAINANTS,

V.

MOUNTAIN PARKS ELECTRIC, INC.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
ADOPTING PROCEDURAL SCHEDULE AND
DISCOVERY SCHEDULE IN PART**

Mailed Date: August 6, 2014

I. STATEMENT

1. A pre-hearing conference was scheduled in this matter for July 21, 2014. The pre-hearing conference was held on the scheduled date and time. Appearances were entered by Complainants, Anne Marie Damian and John M. Taylor, Jr. and by Respondent, Mountain Parks Electric, Inc.

2. After a brief discussion, the parties agreed that more time was needed to confer in order to propose dates for a procedural schedule. The parties were provided additional time to arrive at a procedural schedule and submit it for approval.

3. On August 1, 2014, the parties filed a Joint Proposed Procedural Schedule. The proposed procedural schedule contemplates the following: Complainants' written

direct testimony due January 30, 2015; Respondent's written answer testimony due March 13, 2015; Complainants' rebuttal testimony due on April 15, 2015; and, an evidentiary hearing scheduled for April 29, 2015 through May 1, 2015.

4. As for a discovery schedule, the parties propose that discovery is to commence on August 1, 2014. The parties are to have 28 days from the date of service of discovery to serve responses. Discovery is to be propounded by email in addition to any other means, and responses may be served by any means appropriate as long as notice is also served by e-mail.

5. After January 30, 2015, all responses to discovery are to be due within 10 days of service. Between January 30, 2015 and March 13, 2015, Complainants are not to serve written discovery on Respondent. Between March 13, 2015 and April 15, 2015, Respondent is not to serve written discovery on Complainants. Discovery cutoff is to be April 17, 2015.

6. The parties also agree to make their respective experts available for depositions following the filing/disclosure of expert testimony and provide for proper notice to experts for the taking of depositions.

A. Procedural Schedule

7. The Joint Proposed Procedural Schedule is generally acceptable and will be adopted as proposed above in Paragraph No. 3. However, two important procedural dates will be included in the parties' proposed schedule. The deadline for filing any pre-hearing motions will be no later than April 20, 2015. In addition, in matters involving utility rates, it is the preference of the undersigned Administrative Law Judge that in lieu of oral closing arguments, the parties

will be required to file written Closing Statements of Position which will be due by the close of business on May 15, 2015. The adopted procedural schedule will be as follows:

Complainants' Direct Testimony Due	January 30, 2015
Respondent's Answer Testimony Due.....	March 13, 2015
Complainants' Rebuttal Testimony Due.....	April 15, 2015
Last Day to File Pre-hearing Motions.....	April 20, 2015
Evidentiary Hearing	April 29 through
.....	May 1, 2015
Closing Statements of Position Due	May 15, 2015

B. Discovery

8. The earliest the parties may begin to propound discovery is August 11, 2015. Discovery will generally be conducted pursuant to Rule 4 *Code of Colorado Regulations* 723-1-1405 of the Commission's Rules of Practice and Procedure. The parties are to respond to discovery requests no later than 28 days from the date of service of discovery. After January 30, 2015, all responses to discovery are due within the timeframes indicated below.

9. The deadline to propound discovery related to direct testimony and exhibits is the deadline for filing answer testimony or March 13, 2015. Responses or objections to discovery related to direct testimony are to be due within 10 days of the date discovery is propounded.

10. The deadline to propound discovery related to answer testimony and exhibits is the deadline for filing rebuttal testimony or April 15, 2015. Responses or objections to discovery related to answer testimony are due within 10 days of the date discovery is propounded.

11. The deadline to propound discovery related to rebuttal testimony is 10 days prior to the first day of the evidentiary hearing. Responses or objections to discovery related to rebuttal testimony are due within 5 days of the date discovery is propounded.

12. Discovery served after 5:00 p.m. MDT will be deemed served the next business day, and discovery served after 3:00 p.m. MDT on a Friday will be deemed served as of the following Monday. If the following Monday is a legal holiday, then discovery served after 3:00 p.m. on a Friday will be deemed served as of the following Tuesday.

13. Written discovery requests and non-confidential responses will be served on all counsel by email. Discovery requests or responses are not to be filed with the Commission unless accompanying a motion to compel or objection to discovery request.

14. The parties have agreed to make their respective experts available for depositions following the filing of expert testimony. The parties have also agreed on a procedure for setting deposition schedules.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule set forth above in Section A shall be adopted.
2. The discovery schedule set forth above in Section B shall be adopted.
3. An evidentiary hearing in this matter is scheduled as follows:

DATES: April 29 through May 1, 2015

TIME: 9:00 a.m. each day

PLACE: Hearing Room
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director