

Decision No. R04-0302-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03F-405T

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ESCHELON TELECOM OF COLORADO, INC.,

COMPLAINANT,

V.

QWEST CORPORATION,

RESPONDENT.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
GRANTING REQUEST FOR EXPEDITED  
CONSIDERATION, SHORTENING  
RESPONSE TIME, AND SCHEDULING  
HEARING ON MOTION TO COMPEL**

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Mailed Date: March 24, 2004

**I. STATEMENT**

1. On September 16, 2003, Eschelon Telecom of Colorado, Inc. (Complainant), filed an Accelerated Formal Complaint (Complaint) against Qwest Corporation (Respondent). The Complaint commenced this proceeding.

2. On January 7, 2004, for the reasons set out in Decision No. R04-0021-I, the undersigned Administrative Law Judge (ALJ) denied cross-motions for summary judgment. In that order the ALJ also determined that this proceeding is no longer an accelerated complaint case and scheduled a prehearing conference.

3. On January 20, 2004, Respondent filed its Answer to the Complaint. The Answer puts the case at issue.

4. On January 22, 2004, by Decision No. R04-0083-I, the ALJ established the procedural schedule and set hearing dates for this proceeding. As relevant here, the cut-off date for discovery not addressed to prefiled testimony and exhibits is April 2, 2004; and the date by which each party is to file its direct testimony and exhibits is April 12, 2004.

5. On March 23, 2004, Complainant filed a Motion to Compel Complete Responses to Second Set of Data Requests, Numbers 1, 2, 3, 5, 8, 9, 10, 14, and 15 (Motion). In that Motion at 2, Complainant requests expedited consideration of the Motion. In light of the fast-approaching cut-off dates for discovery and filing direct testimony, the ALJ will grant the request for expedited consideration. In addition and in view of the upcoming deadlines, on her own motion the ALJ will shorten, to and including March 29, 2004, the response time to the Motion.

6. Respondent shall file its response to the Motion by close of business on March 29, 2004. At the time the response is filed, Respondent shall provide a copy of its response directly to the ALJ. *See* Decision No. R04-0083-I at ¶ 8. Respondent shall serve a copy of its response on Complainant by electronic means (*e.g.*, facsimile or electronic mail) before close of business on the date on which the response is filed with the Commission. *See id.* at ¶ 7.

7. Hearing (argument) on the Motion will be held on March 30, 2004.

8. If the parties resolve this discovery dispute before the scheduled hearing, Complainant shall inform the ALJ immediately.

9. On March 24, 2004, by telephone, the ALJ informed the parties of the content of this Order and of the scheduled argument date.

**II. ORDER**

**A. It Is Ordered That:**

1. The request for expedited consideration of the Motion to Compel Complete Responses to Second Set of Data Requests, Numbers 1, 2, 3, 5, 8, 9, 10, 14, and 15 is granted.

2. The time for responding to the Motion to Compel Complete Responses to Second Set of Data Requests, Numbers 1, 2, 3, 5, 8, 9, 10, 14, and 15 is shortened to close of business on March 29, 2004.

3. Hearing on the Motion to Compel Complete Responses to Second Set of Data Requests, Numbers 1, 2, 3, 5, 8, 9, 10, 14, and 15 shall be conducted at the following date, time, and place:

DATE: March 30, 2004  
TIME: 1:30 p.m.  
PLACE: Commission Hearing Room  
1580 Logan Street, OL-2  
Denver, Colorado

4. The parties shall follow the procedures and shall make the filings set forth above.

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge