DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

RITA SCOTT

STEPHANIE MILLER

JOE CUSICK

WAYNE HART

DAVID SCOTT

WORKING FILE

FROM:DON HOWELL

DATE:FEBRUARY 1, 1999

RE:ROCKY MOUNTAIN COMMUNICATIONS’ MOTION TO SUSPEND PREFILE SCHE­DULE AND NOTICE OF SUBSTITUTE EXHIBIT, CASE NO. USW-T-98-4

In Order No. 27810 issued December 1, 1998, the Commission amended a procedural schedule in RMC’s complaint against U S WEST Communications.  In that Order, the Commission directed the parties to appear at an informal settlement conference on January 20, 1999, and prefile testimony in February 1999.  Following the settlement conference, RMC filed a Motion on January 26, 1999 to suspend the prefile schedule and to substitute an exhibit in its amended complaint.

RMC and U S WEST have agreed to conduct another settlement conference on February 18, 1999.  Consequently, the parties recommend that the Commission suspend the February prefiling of testimony in the hopes that the matter may be settled.

RMC also requested permission to file a “substitute” Exhibit No. 1 to its amended complaint filed October 30, 1998.  At the initial settlement conference, RMC identified additional lines which it alleged had been incorrectly billed or overcharged by U S WEST.  “The parties have agreed that additional analysis and discovery is required to be conducted with respect to all lines listed on this substitute Exhibit No. 1. . . .”  RMC Motion at 1-2.  U S WEST consented to the substitution.

Staff Analysis

Given the agreement of the parties, the Staff recommends that the Commission accept the substitution of Exhibit No. 1 to RMC’s amended complaint.  Also based upon the agreement of the parties, the Staff recommends that the Commission vacate the prefiling schedule contained in Order No. 27180 so that the parties may engage in additional settlement negotiations.

Commission Action

Does the Commission adopt the recommendation of the parties to allow the substitution of Exhibit No. 1 and the suspension of the prefiling schedule?

Don Howell

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