

(Decision No. R93-184)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MORGAN COUNTY 911 AUTHORITY)	
BOARD,)	
)	
Complainant,)	DOCKET NO. 91F-547T
)	
v.)	RECOMMENDED DECISION OF
)	ADMINISTRATIVE LAW JUDGE
U S WEST COMMUNICATIONS, INC.,)	JOHN B. STUELPNAGEL
AND WIGGINS TELEPHONE ASSOCIA-)	DISMISSING COMPLAINT
TION,)	
)	
Respondents.)	

Mailed Date: February 22, 1993

STATEMENT, FINDINGS, AND CONCLUSION

On August 16, 1991, the above captioned Complaint was filed by Morgan County 911 Authority Board seeking an order of the Commission that U S WEST Communications, Inc. (U S WEST), be the sole provider of E-911 service, that U S WEST be directed to pay all costs associated with the provision of E-911, and that Wiggins Telephone Association be ordered to direct all billing to U S WEST for payment. On August 27, 1991, an Order to Satisfy or Answer was issued by the Director of the Public Utilities Commission. Wiggins Telephone Association filed its Answer September 13, 1991, and U S WEST filed its Answer on September 16, 1991.

By Order Setting Hearing and Notice of Hearing, issued December 18, 1991, this matter was set for hearing March 13, 1992, at 10:00 a.m. in the County Courtroom, Morgan County Courthouse, 401 at Fort Morgan, Colorado. This docket has been reset for hearing on June 4, 1992, and October 8 and 9, 1992, and Complainant has requested the matter be vacated and reset again. Additionally, by Decision No. R92-1434-I, issued November 19, 1992, Complainant was directed to respond to discovery of U S WEST. Complainant has failed to comply with Commission orders, and on December 4, 1992, U S WEST filed its Motion to Dismiss. This motion should be granted.

Pursuant to the provisions of § 40-6-109, C.R.S., the Administrative Law Judge transmits to the Commission the record of this proceeding and recommends the Commission enter the following order.

ORDER

THE COMMISSION ORDERS THAT:

1. Docket No. 91F-547T, being the Complaint of Morgan County 911 Authority Board v. U S WEST Communications, Inc., is dismissed.

2. Docket No. 91F-547T is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

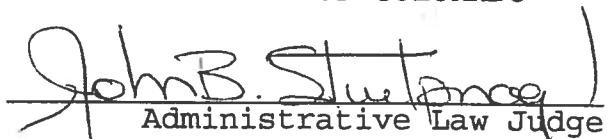
4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a. IF NO EXCEPTIONS ARE FILED WITHIN 20 DAYS AFTER SERVICE OR WITHIN ANY EXTENDED PERIOD OF TIME AUTHORIZED, OR UNLESS THE DECISION IS STAYED BY THE COMMISSION UPON ITS OWN MOTION, THE RECOMMENDED DECISION SHALL BECOME THE DECISION OF THE COMMISSION AND SUBJECT TO THE PROVISIONS OF § 40-6-114, C.R.S.

b. IF A PARTY SEEKS TO AMEND, MODIFY, ANNUL, OR REVERSE BASIC FINDINGS OF FACT IN ITS EXCEPTIONS, THAT PARTY MUST REQUEST AND PAY FOR A TRANSCRIPT TO BE FILED, OR THE PARTIES MAY STIPULATE TO PORTIONS OF THE TRANSCRIPT ACCORDING TO THE PROCEDURE STATED IN § 40-6-113, C.R.S. IF NO TRANSCRIPT OR STIPULATION IS FILED, THE COMMISSION IS BOUND BY THE FACTS SET OUT BY THE ADMINISTRATIVE LAW JUDGE AND THE PARTIES CANNOT CHALLENGE THESE FACTS. THIS WILL LIMIT WHAT THE COMMISSION CAN REVIEW IF EXCEPTIONS ARE FILED.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Administrative Law Judge

JBS:srs