

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

DOCKET NO. 03A-054T

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IN THE MATTER OF THE JOINT APPLICATION OF VANION TELECOM, INC.  
DBA VANION, INC. AND APOLLO COMMUNICATIONS, LLC TO EXECUTE A  
TRANSFER.

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**ORDER GRANTING JOINT MOTION  
FOR EXTENSION OF TIME**

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Mailed Date: March 5, 2003

Adopted Date: March 5, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On March 3, 2003, Apollo Communications, LLC (Apollo) and Qwest Corporation (Qwest) filed a Motion for Extension of Time within which Apollo must provide notice to the former Vanion Telecom, Inc. (Vanion), customers or provide a complete and accurate list of Vanion's customers including names, addresses, and telephone numbers and contact individuals (if any) to Qwest pursuant to Decision No. C03-0229.

2. In this Motion, Apollo and Qwest inform the Commission that they have reached an agreement to negotiate which includes an agreement regarding the manner in which further settlement discussions will proceed and the timing of such discussions. The Movants state that by close of business on March 12, 2003, they will either have reached a settlement or will have determined that settlement is not possible and can proceed with the notice process specified in ¶ III.A.5. of Decision No. C03-0229. The Movants state that if a settlement is reached, a written agreement can be prepared and executed by the close of business on March 14, 2003.

3. As a result of this agreement to negotiate, Apollo and Qwest request that the Commission extend the time for Apollo's providing notice to customers until March 14, 2003. If Apollo fails to send the required notices by that date, Apollo will have until the close of business on March 14, 2003 to provide the Commission and Qwest with a list of Vanion's customers so that Qwest can send the required notices by March 21, 2003. To accommodate this extension, the Movants request a corresponding extension of the emergency stay to the close of business on April 10, 2003.

4. On March 4, 2003, Apollo and Qwest filed a Supplement to the Joint Motion and Motion to Waive Response Time to Joint Motion and Supplement. In this Supplement, Apollo and Qwest state that members of Commission's trial staff suggested the Movants file this supplement to provide the Commission with additional information regarding the status of this docket. Apollo and Qwest believe that the pending negotiations present an opportunity for Qwest to be paid for the services rendered. Further, the Movants state that the transition of the Vanion customers to Qwest would be more difficult than it might appear. This is due to the complex system of facilities in Vanion's network, Qwest's trunking services, and other competitive local exchange carrier service providers which cannot easily be replicated without significant additional investment by Qwest.

5. In addition, Apollo agrees to open its books and records to Qwest and staff to aid in negotiation and resolution of this dispute. This audit is to be performed no later than March 7, 2003. Further, on March 5, 2003, Qwest will conduct a Bankruptcy Rule 2004 examination of Brent Hawker and Bart Atkinson in connection with the SunWest bankruptcy to assist parties' negotiations.

6. In Decision No. C03-0229 we encouraged the parties to negotiate a settlement of their disputes in hopes that customers would not be disconnected and a further proceeding would not be necessary. Therefore, we will grant this Motion for Extension of Time and encourage Qwest and Apollo to settle their disputes to the satisfaction of all parties. All other provisions contained in Decision Nos. C03-0191 and C03-0229 shall remain unchanged.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Joint Motion for Extension of Time by Apollo Communications, LLC and Qwest Corporation is granted, consistent with the discussion in paragraph 3 above.

2. The Supplement to Joint Motion is accepted.

3. Response time to the Joint Motion for Extension of Time and Supplement to Joint Motion are waived.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
March 5, 2003.**

(S E A L)



**ATTEST: A TRUE COPY**

*Bruce N. Smith*

**Bruce N. Smith  
Director**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

**POLLY PAGE**

**JIM DYER**

Commissioners