

Decision No. C03-0300

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-054T

---

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

---

**ORDER GRANTING UNOPPOSED JOINT  
MOTION FOR EXTENSION OF TIME AND DENYING  
MOTION FOR EMERGENCY WEEKLY MEETING**

---

---

Mailed Date: March 26, 2003

Adopted Date: March 20, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On March 12, 2003, Staff of the Colorado Public Utilities Commission, Apollo Communications, LLC (Apollo), and Qwest Corporation (Qwest) filed an Unopposed Joint Motion for Extension of Time, to Waive Response Time and for Emergency Commissioner Weekly Meeting. In this Motion, the Movants request the Commission extend the time for Apollo and Qwest to notify the Commission that they either have reached a settlement or will have determined that a settlement is not possible, by seven calendar days, to March 19, 2003. In addition, the Movants request an extension of time, in the event Apollo and Qwest determine that settlement is not possible, for Apollo to either provide notice to customers or provide the Commission and Qwest with a list of Vanion Telecom, Inc., doing business as Vanion, Inc.'s customers, by seven calendar days, to March 21, 2003. Finally, the Movants request the Commission extend the emergency stay by seven calendar days, to April 17, 2003.

2. To accomplish this, the Movants further request that the Commission hold an Emergency Weekly Meeting to issue a decision no later than March 14, 2003. Apollo and Qwest are concerned that a Commission decision issued later than that date is necessary to prevent a violation of the terms of Decision No. C03-0246.

3. The Movants state that they have been engaged in ongoing settlement negotiations since March 6, 2003. As a result of the continuing exchange of information, they are requesting the additional time to allow the parties to consider proposals discussed in recent negotiations. The Movants assert that because all parties either support or do not oppose this motion, it will not prejudice any party to this docket and waiver of response time is appropriate. We agree with the Movants that more time will better allow the parties to negotiate an acceptable settlement. We grant the Motion for Extensions of Time as requested.

4. To support the Movants' request that the Commission rule on this motion at an Emergency Weekly Meeting, they state that Apollo and Qwest are concerned that a Commission decision issued later than March 14, 2003 will cause the parties to be out of compliance with Decision No. C03-0246. However, because this Motion was filed on March 12, 2003, before the requirements of Decision No. C03-0246 were to begin, we do not see the need for an emergency meeting and therefore discussed this Motion at our regular Weekly Meeting on March 20, 2003. We deny the Movants' request.

## **II. ORDER**

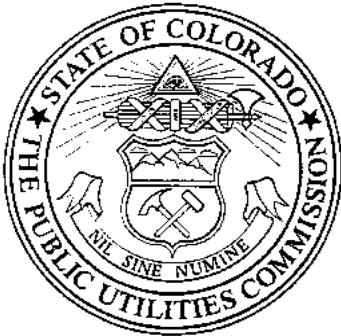
### **A. The Commission Orders That:**

1. The Unopposed Joint Motion for Extension of Time by Staff of the Public Utilities Commission, Apollo Communications, LLC, and Qwest Corporation is granted.

2. The Motion for an Emergency Commissioner Weekly Meeting is denied.
3. Response time to the Unopposed Joint Motion for Extension of Time is waived.
4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
March 20, 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

**POLLY PAGE**

**JIM DYER**

Commissioners

CHAIRMAN GREGORY E. SOPKIN  
ABSENT.