

Decision No. C03-0438

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02C-577T

IN THE MATTER OF AN INVESTIGATION OF COMPETITIVE LOCAL EXCHANGE CARRIERS AND EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICE PROVIDERS CONCERNING ALLEGED VIOLATIONS OF COLORADO REVISED STATUTES AND COMMISSION RULES OF PRACTICE AND PROCEDURE RELATING TO THE FILING OF ANNUAL REPORTS BY PUBLIC UTILITIES.

DOCKET NO. 02A-463AT

IN THE MATTER OF THE APPLICATION OF MILE HIGH TELECOM JOINT VENTURE TO DISCONTINUE OR CURTAIL JURISDICTIONAL TELECOMMUNICATIONS SERVICE

**ORDER GRANTING MOTIONS OF QWEST
CORPORATION AND OFFICE OF CONSUMER COUNSEL,
AND DENYING MOTIONS OF
DMJ COMMUNICATIONS, INC.**

Mailed Date: April 25, 2003.
Adopted Date: April 25, 2003.

I. BY THE COMMISSION

A. Statement

1. These matters come before the Commission for consideration of several motions and petitions filed by the Colorado Office of Consumer Counsel (OCC) and DMJ Communications, Inc. (DMJ) in the above captioned docket numbers.

2. On April 18, 2003, the OCC filed its Motion for Late Intervention and to Expedite Consideration and Approval of a Default Provider and to Shorten Response Time in Docket No. 02C-577T (DMJ Motion), and Motion for Clarification and To Shorten Response Time in Docket No. 02A-463AT (Mile High Motion).

3. On April 22, 2003 DMJ filed its Emergency Motion Requesting Alteration or Amendment of Decision No. R03-0042 Pursuant to C.R.S. § 40-6-112(1) and Request to Waive Response Time, Motion for Substitution of Counsel, and Response by DMJ to Motion for Late Intervention and to Expedite Consideration and Approval of a Default Provider and to Shorten Response Time.

B. OCC's DMJ Motion - Docket No. 02C-577T

4. By way of background, on March 26, 2003, we issued Decision No. C03-0308 which denied DMJ's application for rehearing, reargument or reconsideration of Recommended Decision No. R03-0042 (Recommended Decision). In that decision, the administrative law judge (ALJ) recommended revocation of DMJ's Certificate of Public Convenience and Necessity (CPCN) on the grounds that DMJ failed to file its Annual Report as required by 4 *Code of Colorado Regulations* (CCR) 723-1-25(a)(a).

5. Despite repeated attempts by Commission Staff in this docket to obtain the 2001 Annual Report from DMJ, no report was forthcoming. Despite a Commission Show Cause docket opened regarding this matter, and the Recommended Decision issued by the ALJ (which would have allowed DMJ ample time to comply), DMJ still failed to file an Annual Report. Therefore, we found it appropriate to revoke DMJ's CPCN and required that it cease providing regulated telephone service in Colorado by May 12, 2003. We further ordered Qwest to disconnect DMJ from the public switched telecommunications network on May 12, 2003.

6. In its DMJ Motion, OCC seeks an order from the Commission designating Qwest Corporation (Qwest) as the default provider for the DMJ customers whom, pursuant to Commission Decision No. C03-0308 will be disconnected, if they do not choose another telecommunications provider by May 12, 2003. OCC argues that designating Qwest as the

default provider is important to ensure all customers receive the same benefit of a seamless transition to an alternative provider.

7. As grounds for its late intervention, OCC represents that it only recently discovered the customer impact resulting from Commission enforcement actions against DMJ. The discontinuance of service by DMJ directly impacts the OCC's constituency and, according to the OCC, is the type of proceeding in which it typically plays an active role.

8. OCC maintains that since DMJ has not applied to discontinue service, and has no authority to serve, this proceeding is the de facto termination of service that would normally be filed pursuant to 4 CCR 723-25-7. The OCC avers that because it is now aware of the differential treatment of customers affected by the Commission's decision here, and in the Mile High Telecom Joint Venture (Mile High) termination docket, it is seeking late intervention to protect the interests of its constituency.

9. Now, being fully advised in the matter, we grant OCC's Motion for Late Intervention and to Expedite Consideration and Approval of a Default Provider and to Shorten Response Time in Docket No. 02C-577T, consistent with the discussion below.

C. OCC's Mile High Motion - Docket No. 02A-463AT

10. In this motion, the OCC seeks clarification from the Commission that the Transition Plan ordered in this docket, including the default provider requirement, applies to all customers of Mile High, including customers who were transferred to DMJ. The OCC further requests the Commission require no additional customer notice, or in the alternative, authorize additional notice only to some 1,500 Mile High Customers who were switched to DMJ and then, upon information and belief, asked to switch to On Systems Technology, LLC (On Systems) in

response to Mile High's April 2, 2003 letter, but who, the OCC claims, are still in fact DMJ customers and are unaware they will be disconnected on May 12, 2003. Finally, OCC requests the Commission to shorten response time to its motion.

11. Now, being fully advised in the matter, we grant OCC's Motion for Clarification of Decision No. C03-0077 and to shorten response time in Docket No. 02A-463AT consistent with the discussion below.

II. OCC PLEADINGS

12. The OCC offers several arguments as grounds for its motions in Dockets 02A-463AT and 02C-577T. The OCC points out that on January 21, 2003, the Commission adopted the Recommended Decision (Decision No. R02-1261) of the Administrative Law Judge ("ALJ") in the application of Mile High Telecom Joint Venture to Discontinue or Curtail Jurisdictional Telecommunications Service (Decision No. C03-0077). The Recommended Decision adopted a Transition Plan, terminating services of Mile High and ordering it to issue the Commission-approved Customer Notice Letter advising customers of the pending discontinuance, and of their options during the transition period. Consistent with Commission rules on the abandonment of service the Transition Plan consists of two 30-day phases.

13. In Phase One, the competitive phase, Mile High's customers were given 30 days to choose an alternative provider. During Phase Two, those customers who, for whatever reason do not choose another provider, default to the provider (Qwest) designated by the Commission.¹ Because Mile High declined to send the notice letter to its customers, Qwest began sending

¹ Premier Communications, Inc. requested that it be named the default provider. The OCC and Commission Staff opposed Premier's request. The ALJ found that Qwest had the financial, technical, and managerial capability and designated Qwest the default provider.

notice letters March 11, 2003 and finished sending them March 27. Those Mile High customers have 30 days until April 28, 2003 to choose an alternate provider or be defaulted to Qwest.

14. The OCC motion states that on March 11, 2003, Tim Wetherald, Manager of Mile High, sent these same Mile High customers a notice indicating Mile High would still be their provider but that DMJ was their new underlying carrier replacing Qwest.

15. According to the OCC motion, upon information and belief, sometime on and after March 11, 2003, DMJ transferred more than 4,000 Mile High Customers to DMJ's billing account numbers (BANs) using DMJ's reseller identification (RSID) and Operating Company Number (OCN). The OCC contends that this transfer resulted in 4,000 Mile High Customers losing the intended benefits of the Transition Plan, as they were now DMJ customers.

16. Sometime toward the end of March, DMJ sent a letter to the customers who were switched from Mile High to DMJ, welcoming them to DMJ. The letter included a Letter of Agency or Authorization to "assure that your telephone service remains with DMJ." The OCC contends this letter suggests that by the time customers received the letter, they had already been transferred to DMJ.

17. On April 2, 2003 Mile High and DMJ customers were sent a second letter by Mr. Wetherald telling them their telephone service with Mile High and/or DMJ will cease on May 12, 2003 at which time they will be automatically switched to Qwest unless they have chosen another provider. The OCC points out that this contradicts the Commission letter sent to DMJ customers in Docket No. 02C-577T, because the Commission did not designate a default provider in 02C-577T. Mr. Wetherald's letter also solicited customers to call On Systems to keep

their current service at the same rate. The OCC represents that according to Mr. Wetherald approximately 1500 customers subsequently switched to On Systems.

18. According to the OCC, On Systems is unable to place orders with Qwest. The OCC indicates this has been confirmed by Qwest and Mr. Wetherald. As a result, the OCC maintains that about 1,500 customers who think they switched to On Systems to avoid disconnection per the Commission's April 9 notice letter are actually still DMJ customers, who will be disconnected on May 12 if no intervening action is taken.

19. The OCC maintains the Commission's decisions in the DMJ CPCN revocation docket and the Mile High abandonment of service docket are inconsistent in their treatment of customers. According to the OCC, the impact on customers of a CPCN revocation or an application to abandon or discontinue service is exactly the same – their provider is exiting the market and customers are entitled to notice and a seamless transition to another provider.

20. The OCC contends that from a public policy perspective, any customer whose local phone service provider exits the market, for whatever reason, should be treated the same and transitioned to a default provider as seamlessly as possible if they do not choose another provider. Finally the OCC asserts that the simplest solution to this confusing and contradictory Mile High/DMJ situation is for the Commission to designate Qwest as the default provider for all the Mile High customers, including those switched to DMJ.

21. The OCC argues that had Mile High, On Systems, Tim Wetherald and DMJ not interfered with the Transition Plan, all these customers would have been given a period of time to choose another provider and then defaulted to Qwest. The OCC claims that designating Qwest as the default provider for the Mile High/DMJ customers simply carries out the Transition Plan

as intended while imposing no additional time or financial burden to Qwest's obligations, which fosters the competitive market place.

22. When the Commission rejected DMJ's application for RRR (Decision No. C03-0308 mailed March 26, 2003), and thereby affirmed the Recommended Decision (R02-1261) which revoked DMJ's CPCN, it created a process whereby DMJ's customers were notified that DMJ had been found in violation of Commission rules and was unable to continue to provide them service. That notice informed customers that the telephone service they currently receive from DMJ was to be terminated by May 12, 2003 and they must choose another provider by that time if they wish to maintain service.

23. The Commission did not designate a default provider. At that time the Commission believed DMJ had approximately 130 residential customers. The Commission had reason to believe it could contact these customers and provide them the information they needed to make an informed decision about how to choose another provider.

24. While the Commission appreciates the OCC's contention that from a policy perspective the impact on customers of a CPCN revocation is the same as an application to abandon or discontinue service, our ruling does not take a position on this policy question. Rather, the issue before the Commission is whether the Commission still believes it is possible for DMJ's customers to make an informed decision in choosing a new provider. The Commission finds that customers are no longer in such a position.

25. Unfortunately, there may be a substantial number of customers originally with Mile High that have been misinformed by Mr. Wetherald's confusing and misleading letters. Many of these customers believe they will have continuing service with DMJ or On-Systems,

only to find themselves suddenly disconnected from service on May 12, 2003. Therefore, the only solution that safeguards customers is to place the original Mile High customers minus those who have migrated to another carrier other than DMJ or On Systems, into the group of those who will be defaulted to Qwest.. This avoids customer disconnection without notice. It avoids the problem of attempting to locate customers and notify them of disconnection. It further remedies the problem of those whose service was transferred to DMJ or On Systems.

26. We note that a finding of slamming by DMJ pursuant to 4 CCR 723-2-25 is not necessary at this time. On Systems, through Mr. Wetherald, sent misleading letters to customers indicating they should switch to On Systems, when On Systems had agreed (according to the terms of the Transition Plan) to not be listed as an alternate provider because of its connection to Mile High. On Systems further violated Commission decisions by sending those letters.

27. The Commission grants both of the OCC motions with some hesitation. We emphasize we make this determination because of the unique circumstances presented in this case. We are leaving open the question of what our general policy will be with respect to any future Commission revocations of CPCN's and the designation of default providers.

28. With Respect to Docket No. 02A-463AT, the transition plan ordered in this docket continues to apply to Mile High Telecom Joint Venture customers without modification. In addition we now grant the OCC's request and clarify that the Transition Plan, including the default provider requirement, applies to all customers of DMJ Communications, Inc ("DMJ") with the modifications discussed below in Paragraphs 30 and 44². We grant the OCC's request

² [As described more fully in paragraphs 39, 40, 41, and 43 of this order, Qwest and OCC filed separate motions in these dockets which were addressed and decided upon in an Emergency Commissioners' Meeting on April 25, 2003.](#)

for no additional notice and shorten response time to the OCC's motion to the close of business on Tuesday April 22, 2003.

29. In Docket No. 02C-577T, we grant the OCC's intervention and motion and designate Qwest as the default provider for the DMJ customers.

30. The effect of our decision requires modification to Commission Decision C03-0308. In Particular, DMJ's customers will not lose telephone service if they do not choose another provider. Rather, their telephone service will default to Qwest during the period between May 12 and June 13, 2003. If those DMJ customers are subsequently unhappy with having Qwest as their provider, they are always, free to choose another provider.

III. DMJ PLEADINGS

31. On April 22, 2003, DMJ filed (in Docket No. 02C-577T) its Emergency Motion Requesting Alteration or Amendment of Decision No. R03-0042 Pursuant to C.R.S. § 40-6-112(1) and Request to Waive Response Time (Emergency Motion), and its Petition for Late Intervention and Response by DMJ Communications, Inc. to Motion for Clarification and to Shorten Response Time (in Docket No. 02A-463AT). The Emergency Motion, in essence, requests that we reopen Docket No. 02C-577T for the purpose of reconsidering the Commission's decision to revoke DMJ's certificate of public convenience and necessity (CPCN). DMJ requests that we reverse the order of revocation and instead order lesser sanctions against it. In its Petition for Late Intervention, DMJ seeks to intervene in Docket No. 02A-463AT for the purpose of responding to the OCC's suggestion that all Mile High customers, including those who have now executed a letter of agency (LOA) authorizing DMJ to provide their telephone service, be defaulted to Qwest under the Transition Plan approved in Docket No. 02A-463AT.

DMJ opposes any action that would result in its customers (*i.e.* end-users who have executed an LOA authorizing DMJ to be their telephone service provider) being transferred to Qwest under the Transition Plan. We deny these motions.³

A. Emergency Motion

32. The Emergency Motion requests that we reopen Docket No. 02C-577T pursuant to the provisions of § 40-6-112(1), C.R.S. That statute authorizes us to "rescind, alter, or amend any decision" made by the Commission. We note that relief requested under § 40-6-112(1) is extraordinary: It entails the Commission reopening and reconsidering a final decision outside the procedures specified in § 40-6-114 (applications for rehearing, reargument, or reconsideration).

33. In Decision No. R03-0042 the Administrative Law Judge recommended that DMJ's CPCN be revoked for DMJ's failure to file its 2001 annual report. DMJ failed to appear at the hearing before the ALJ. After entry of that decision, DMJ failed to file Exceptions to Decision No. 03-0042, and failed to submit its annual report, even after the ALJ's recommendation to revoke its CPCN. Under the provisions of § 40-6-109(2), C.R.S., the ALJ's recommended decision became the decision of the Commission when DMJ failed to file Exceptions. As noted in Decision No. C03-0308, DMJ's application for rehearing, reargument, or reconsideration was untimely filed. Consequently, the Commission's decision revoking DMJ's CPCN is a final agency action.

34. DMJ now requests that we reconsider our final decision revoking its CPCN for various reasons: First, it suggests that revocation is unduly harsh, since its only violation of

³ DMJ's Motion for Substitution of Counsel is granted.

Commission rules was its failure to file an annual report. The Emergency Motion disputes our prior assertion that DMJ had transferred its CPCN to USURF America, Inc. without Commission approval. Given its limited violation of Commission rules, DMJ argues, other remedies would be more appropriate, such as placing DMJ on “probation” for a certain period of time, paying attorney fees for Staff’s participation in this docket, and paying reparations to customers who have been harmed as a result of its conduct. DMJ commits to taking certain steps to ensure its compliance with Commission rules in the future, including obtaining in-state regulatory counsel.

35. The Emergency Motion asserts that the Commission has entertained alternate remedies, besides revocation of a CPCN, in past cases where a telephone provider has violated Commission rules. The motion then suggests that an alternate remedy would serve the public interest by promoting competition in the local exchange market. *See* §§ 40-15-501 *et seq.* C.R.S. (legislative policy is to promote competition in telephone markets).

36. We deny the Emergency Motion. As noted above, reconsideration of a final decision under § 40-6-112(1) is extraordinary action. We first point out that the Emergency Motion is untimely. We issued Decision No. C03-0308 rejecting DMJ’s application for RRR on March 26, 2003. That decision informed DMJ that its customers would be notified of the revocation and that they would be required to choose an alternate provider by May 12, 2003. DMJ was aware that the Commission itself was taking the burdensome steps of obtaining the customer list from Qwest, a list containing the names and addresses of approximately

4,200 customers,⁴ and sending letters notifying customers of our final decision revoking DJM's CPCN. DMJ had ample opportunity to file the Emergency Motion well before the Commission took these actions, and before customers were notified that DMJ could no longer provide service in Colorado. Granting the extraordinary relief now requested by DMJ would harm customers by creating additional confusion in this matter. Specifically, pursuant to the notice sent by the Commission itself, DMJ's customers now believe that DMJ will no longer provide service after May 12, 2003.⁵

37. Furthermore, we find that the Emergency Motion fails to state good reasons for reopening this case and reinstating its CPCN. DMJ concedes that our findings in Decision No. C03-0308 regarding its repeated failure to timely file annual reports are accurate. This is not a case in which DMJ failed to timely submit an annual report only once. DMJ has failed to comply with the rule every year since receiving its CPCN in Colorado. We affirm our prior conclusions in this case that DMJ's conduct justifies the order of revocation. Additionally, its inability to follow the Commission's procedural rules, in a timely manner, or to request reconsideration of that order, compounds its failures. In short, no valid reason exists to now grant extraordinary relief to DMJ.

⁴ We also note that most of these customers were only recently obtained by DMJ, indeed apparently after the ALJ's recommendation of revocation had become the decision of the Commission. At the time the Commission issued Decision No. C03-0308 DMJ only had 130 customers. As addressed *supra* in our analysis, DMJ's customer base quickly grew from approximately 130 to 4,200 under questionable circumstances with Mile High Telecom. The information contained in the Emergency Motion suggests that DMJ assisted Mr. Wetherald and Mile High in violating the Transition Plan ordered by the Commission in Docket No. 02A-463AT, even if unintentionally. (We make no finding at this time as to whether DMJ knew of the Transition Plan when it began its dealings with Mile High.) Alternately, that information suggests that Mile High and DMJ together "slammed" numerous customers by transferring their underlying service (from Qwest) from Mile High to DMJ without their knowledge and consent. DMJ states that it entered into this arrangement based upon a mere oral agreement with Mile High. A finding of slamming is not necessary to our ruling today. Commission Staff is directed to investigate these events to see whether "slamming" charges should be pursued against DMJ and Mile High.

⁵ Our above-stated decisions—decisions required by Mile High's, DMJ's, and Mr. Wetherald's actions--may add to the existing public confusion. This is necessary to prevent customers from losing dial tone without their knowledge and intent. But granting DMJ's Emergency Motion would likely complicate the situation even more.

B. Petition to Intervene

38. In light of our denial of the Emergency Motion, we also deny DMJ's Petition to Intervene in Docket No. 02A-463AT. DMJ's CPCN to conduct telephone operations in the state remains revoked. As noted below, it is unable to provide service to any customer in the state after June 13, 2003. That inability to offer telephone service means that it has no legally protected interest or standing to intervene in Docket No. 02A-463AT. As such, the Petition to Intervene is denied.

IV. QWEST EMERGENCY MOTION FOR CLARIFICATION

39. On April 24, 2003, Qwest filed (in Docket No. 02C-577T) its Emergency Motion For Clarification of the April 23, 2003 Oral Decision From The Colorado Public Utilities Commission Adopting a Transition Plan for DMJ Communications, Inc. and Declaring Qwest Corporation as The Default Provider and Request to Waive Response Time (Emergency Motion). In order to implement the Transition Plan for DMJ customers, the Emergency motion seeks three modifications. First, request from Qwest's retail operations, Qwest wholesale operations shall provide to Qwest retail operations the information necessary to complete the default provisions of the Transition Plan without the necessity of seeking such information from DMJ.

40. Second, Qwest shall mail one letter to those DMJ customers having an outstanding regulated balance due and owing Qwest. The Letter will inform them that they will not be defaulted to Qwest unless they either pay the regulated balance or make payment arrangements acceptable to Qwest prior to June 13, 2003.

41. Third, Qwest shall complete the Transition Plan and shall disconnect DMJ from its network on June 13, 2003, unless Qwest notifies the Commission of its inability to complete the process by that date. Qwest states that it is authorized to state that both Staff of the Colorado

Public Utilities Commission and the Office of Consumer Council agree with and support this Emergency Motion.

42. Good grounds having been shown, the Commission grants the Emergency Motion and the request to shorten response time.

V. OCC SUPPLEMENTAL MOTION IN RESPONSE TO EMERGENCY MOTION

43. On April 25, 2003, the OCC filed (in Docket No. 02C-577T) its Supplemental Motion in Response to Emergency Motion for Clarification and Modification of the April 23, 2003 Oral Decision From the Colorado Public Utilities Commission Adopting A Transition Plan for DMJ Communications Inc. and Declaring Qwest Corporation as the Default Provider and Request to Waive Response Time. The OCC points out that on April 23, 2003, the Commission orally ordered in its Open Meeting that the Transition Plan ordered in Decision No. R02-1261, Docket No. 02A-463AT would apply to the customers of DMJ, the vast majority of whom were customers of Mile High Telecom.

44. The Transition Plan, in pertinent part, calls for Mile High Telecom customers to default to Qwest beginning April 28, 2003. However in its April 9, 2003 notice letter to DMJ customers, the Commission told customers to choose another provider by May 12, 2003 or their telephone service would be terminated. These customers currently expect to have until May 12, 2003, not Monday, April 28, 2003, to choose and switch to another provider. The OCC maintains the Commission should preserve the May 12, 2003 deadline for DMJ customers to choose another provider. The OCC represents that it is authorized to state that neither the Staff of the Commission nor Qwest object to beginning the transition of DMJ customers on May 12.

45. Good grounds having been shown, the Commission grants the Supplemental Motion and the request to waive response time.

VI. ORDER

A. The Commission Orders That:

1. The Motion for Clarification of Decision No. C03-0077 and to Shorten Response Time filed by the Colorado Office of Consumer Counsel in Docket No. 02A-463AT is granted consistent with the discussion above. Response time to this motion is shortened to the close of business on Tuesday, April 22, 2003.

2. The Petition for Late Intervention and Response by DMJ Communications, Inc. to Motion for Clarification and to Shorten Response time in Docket No. 02C-577T is denied consistent with the discussion above.

3. The Motion for Late Intervention and to Expedite Consideration and Approval of a Default Provider and to Shorten Response Time filed by the Colorado Office of Consumer Counsel in Docket No. 02C-577T is granted consistent with the discussion above.

4. The Emergency Motion Requesting Alteration or Amendment of Decision No. R03-0042 Pursuant to C.R.S. § 40-6-112(2) and Request to Waive Response Time filed by DMJ Communications, Inc. in Docket No. 02C-577T is denied consistent with the discussion above.

5. The Motion for Substitution of Counsel filed by DMJ Communications, Inc. in Docket No. 02C-577T is granted.

6. The portion of our order in Decision No. C03-0308, specifically requiring DMJ Communications, Inc. to cease and desist from providing regulated telephone services in Colorado by May 12, 2003, and further ordering Qwest Corporation to disconnect DMJ

Communications, Inc. from the public switched telecommunications network on May 12, 2003 is vacated. Instead, consistent with this Decision, we order DMJ Communications, Inc. to cease and desist from providing regulated telephone services in Colorado by June 13, 2003, and further order Qwest Corporation to disconnect DMJ Communications, Inc. from the public switched telecommunications network on June 13, 2003, unless Qwest Corporation notifies the Commission of its inability to complete the disconnection process by that date.

7. Qwest Corporation shall be designated as default provider for all DMJ Communications, Inc. customers who have not chosen an alternate provider by May 12, 2003.

8. No further notice shall be provided to DMJ Communications, Inc. customers regarding the extension of the disconnection of DMJ Communications, Inc. or that Qwest is designated as those customers' default provider.

9. Qwest Corporation's Wholesale Department, upon request from its Retail Operations, shall provide to the Retail Operations the information necessary to complete the default provisions of the Transition Plan approved in Docket No. 02A-463AT, without the necessity of seeking such information from DMJ Communications, Inc.

10. Qwest Corporation shall mail one letter to those DMJ Communications, Inc. customers having an outstanding balance due and owing Qwest Corporation, informing those DMJ Communications, Inc. customers that they will not be defaulted to Qwest Corporation unless they pay the regulated balance or make payment arrangements acceptable to Qwest Corporation prior to June 13, 2003.

11. This Order is effective immediately upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
APRIL 25, 2003..**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners