

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-107T

IN THE MATTER OF THE APPLICATION OF DMJ COMMUNICATIONS (COLORADO),
INC. DOING BUSINESS AS DMJ COMMUNICATIONS AND USURF COMMUNICATIONS
INC DOING BUSINESS AS USURF COMMUNICATIONS TO EXECUTE A TRANSFER.

**ORDER GRANTING MOTION TO
WITHDRAW APPLICATION**

Mailed Date: May 8, 2003
Adopted Date: May 2, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On March 20, 2003, DMJ Communications (Colorado), Inc. (DMJ), and USURF Communications, Inc. (USURF), filed a joint application to execute a transfer. 4 *Code of Colorado Regulations* 723-25-8.

2. On April 11, 2003, DMJ and USURF by and through their attorneys Kissinger & Fellman, P.C., filed a notice of withdrawal of the application.

3. Applicants DMJ and USURF have represented to Staff of the Commission, in a meeting held on April 11, 2003 regarding another matter, that the grounds for withdrawal relate to the fact that the application was filed for entities that are not within the jurisdiction of the Commission.

4. On April 24, 2003, the law firm of Kissinger & Fellman, P.C., counsel for DMJ and USURF filed a Motion to Withdraw as Counsel. In the motion, counsel indicates that one of the entities it represents no longer wishes counsel to represent it in this matter, and the other

entity¹ has not communicated its intentions to counsel after multiple requests. Consequently, counsel requests that it be allowed to withdraw as counsel of record for DMJ and USURF.

5. On April 25, 2003, the law firm of Gorsuch Kirgis LLP entered its appearance on behalf of DMJ for the limited purposes of providing notice of the withdrawal of the Application for Transfer and to request dismissal of the Docket.

II. ORDER

A. The Commission Orders That:

1. Good cause having been shown, the Commission grants the motion by DMJ Communications (Colorado), Inc., and USURF Communications, Inc., to withdraw the application.

2. The Motion of Kissinger & Fellman, P.C., to withdraw as counsel for DMJ Communications (Colorado), Inc., and USURF Communications, Inc., is granted.

3. The docket is now closed.

4. This Order is effective on its Mailed Date.

¹ Counsel does not specify which entity no longer wishes to employ counsel's services and which entity is non-responsive.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 2, 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