

Decision No. R03-0015

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

DOCKET NO. 02U-561T

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IN THE MATTER OF THE DECLARATION OF ICG TELECOM GROUP, INC.'S INTENT  
TO SERVE WITHIN THE TERRITORY OF RURAL TELECOMMUNICATIONS PROVIDER.

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**RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
ACCEPTING WITHDRAWAL OF  
DECLARATION, GRANTING MOTION  
TO CLOSE DOCKET, CLOSING  
DOCKET, AND WAIVING RESPONSE TIME**

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Mailed Date: January 7, 2003

**I. STATEMENT AND CONCLUSIONS**

1. On October 18, 2002, Applicant ICG Telecom Group, Inc. (ICG), filed its Declaration of Intent to Serve Within the Territory of Rural Telecommunications Provider (declaration). Specifically, in its declaration, ICG stated its intention to serve within the territory of CenturyTel of Colorado, Inc.

2. On January 2, 2003, ICG filed its Notice of Withdrawal of Declaration and Motion to Close Docket No. 02U-561T. The Notice of Withdrawal of Declaration states good cause and will be accepted. The Motion to Close Docket No. 02U-561T states good cause and will be granted. This docket will be closed.

3. Given the nature of the Motion to Close Docket No. 02U-561T, response time will be waived.

4. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

## **II. ORDER**

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

1. The Notice of Withdrawal of Declaration filed by ICG Telecom Group, Inc., is accepted.

2. The Motion to Close Docket No. 02U-561T filed by ICG Telecom Group, Inc., is granted.

3. The Motion to Close Docket No. 02U-561T filed by ICG Telecom Group, Inc., is granted.

4. The Declaration of Intent to Serve Within the Territory of Rural Telecommunications Provider filed by ICG Telecom Group, Inc., is dismissed.

5. Response time to the Motion to Close Docket No. 02U-561T filed by ICG Telecom Group, Inc., is waived.

6. Docket No. 02U-561T is closed.

7. 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.

8. As provided by § 40-6-106, 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 recommended 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 a basic finding 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.

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

(S E A L)



ATTEST: A TRUE COPY

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Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

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Administrative Law Judge

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