

Decision No. R03-0041

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02F-660T

SIDNEY & STEPHENS, INC.,

COMPLAINANT,

V.

ALLEGIANCE TELECOM OF COLORADO, INC.,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
DISMISSING COMPLAINT**

Mailed Date: January 9, 2003

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. This proceeding was initiated on December 18, 2002, when the Complainant, Sidney & Stephens, Inc., filed a formal complaint with the Colorado Public Utilities Commission (Commission) against the Respondent, Allegiance Telecom of Colorado, Inc.

2. On December 19, 2002, the Commission issued its Order to Satisfy or Answer and an Order Setting Hearing and Notice of Hearing setting this matter for hearing on February 6, 2003.

3. On January 3, 2003, the parties filed a Stipulation to Dismiss Complaint wherein they state that an agreement has been reached on all issues involved in this matter. They request, therefore, that this proceeding be dismissed, with prejudice.

4. Pursuant to § 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 Stipulation to Dismiss Complaint filed in the captioned proceeding by Complainant, Sidney & Stephens, Inc., and Respondent, Allegiance Telecom of Colorado, Inc., is granted.

2. The captioned proceeding is dismissed, with prejudice.

3. Docket No. 02F-660T is closed.

4. 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.

5. As provided by § 40-6-109, 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 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 basic findings 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.

6. If exceptions to this 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

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DALE E. ISLEY

Administrative Law Judge