

Decision No. R03-0141

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

DOCKET NO. 02F-662T

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SCOTT MOORE ARCHITECT, INC.,

COMPLAINANT,

V.

ALLEGIANCE TELECOM OF COLORADO, INC.,

RESPONDENT.

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**RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
WILLIAM J. FRITZEL  
DISMISSING COMPLAINT**

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Mailed Date: February 5, 2003

**I. STATEMENT**

1. On December 19, 2002, Scott Moore Architect, Inc. (Complainant), filed a complaint naming Allegiance Telecom of Colorado, Inc., as Respondent.
2. On December 20, 2002, the Commission issued an Order to Satisfy or Answer.
3. A hearing was scheduled for February 10, 2003.
4. On February 4, 2003, Complainant and Respondent filed a Stipulation to Dismiss the Complaint. The Stipulation states that the parties have reached an agreement resolving all issues. Complainant and Respondent request that the complaint be dismissed with prejudice.
5. Pursuant to § 40-6-109(2), C.R.S., it is recommended that the Commission enter the following order.

**II. ORDER****A. The Commission Orders That:**

1. The request of Scott Moore Architect, Inc., and Allegiance Telecom of Colorado, Inc., to dismiss the complaint is granted.
2. Docket No. 02F-662T, the complaint of Scott Moore Architect, Inc., v. Allegiance Telecom of Colorado, Inc., is dismissed with prejudice.
3. The hearing scheduled for February 10, 2003 is vacated.
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

WILLIAM J. FRITZEL

Administrative Law Judge