

Decision No. R04-0181

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-029T

ANTHONY AND KELLY WALTERS,

COMPLAINANTS,

V.

EASTERN SLOPE RURAL TELEPHONE ASSOCIATION, INC.,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
GRANTING MOTION TO DISMISS
AND CLOSING DOCKET**

Mailed Date: February 20, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On January 16, 2004, Anthony and Kelly Walters (Complainants) filed a complaint naming Eastern Slope Rural Telephone Association, Inc., as Respondent.
2. On January 20, 2004, the Commission an Order to Satisfy or Answer.
3. The Commission scheduled a hearing in this matter for March 24, 2004.
4. On February 4, 2004, Respondent filed an Answer.
5. On February 13, 2004, Complainants filed a motion to dismiss the complaint and to vacate the hearing. Complainants stated that they and Respondent have resolved the issues

that lead to the filing of the complaint with the Commission. Complainants requested that the complaint be dismissed and that the hearing be vacated.

6. 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 motion of Complainants Anthony and Kelly Walters to dismiss the complaint and to vacate the hearing is granted.

2. Docket No. 04F-029T, the complaint of Anthony and Kelly Walters v. Eastern Slope Rural Telephone Association, Inc., is dismissed.

3. Docket No. 04F-029T is closed.

4. The hearing scheduled for March 24, 2004 is vacated.

5. 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.

6. 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.

7. 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge