

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

DOCKET NO. 04M-076T

---

IN THE MATTER OF THE FILING OF ANNUAL REPORTS IN ACCORDANCE WITH  
RULE 4 CCR 723-1-25 BY CARRIERS HOLDING A CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY OR A LETTER OF REGISTRATION TO PROVIDE  
TELECOMMUNICATIONS SERVICES IN THE STATE OF COLORADO, OR THAT ARE  
REGISTERED TO RESELL INTRASTATE TOLL SERVICE.

---

**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
GRANTING EXTENSION OF TIME  
TO FILE ANNUAL REPORT  
FOR THE 2003 REPORTING YEAR;  
SETTING CONDITIONS; AND  
WAIVING RESPONSE TIME**

---

Mailed Date: March 4, 2004

**I. STATEMENT**

1. On February 24, 2004, the Commission mailed Decision No. C04-0179 in this proceeding. In that decision the Commission specified the annual report forms which “each utility holding a Certificate of Public Convenience and Necessity or Letter of Registration to provide telecommunications services” and each registered reseller of intrastate toll services are to use to file annual reports for calendar year 2003 (2003 Annual Report). *Id.* at ¶ 4 and Appendix A. The Commission stated that the 2003 annual reports are to be filed no later than April 30, 2004, and that a filing utility may request an enlargement of time. *Id.* at ¶¶ 4-6.

2. The Commission also specified the one filing requirement which cannot be waived or extended: A motion for extension of time to file an annual report “*shall not include* a request for extension of time to file Form DR 525.” *Id.* at ¶ 6 (emphasis added). The reference

to Form DR 525 is a reference to “the report of gross regulated intrastate operating revenues required by the Colorado Department of Revenue, Form DR 525.” *Id.* at ¶ 3. Thus, the time for filing of the required Form DR 525 cannot be extended.

3. On February 19, 2004, Adelphia Business Solutions Operations Inc. (Adelphia), submitted a letter to the Commission requesting an extension of time to file its 2003 Annual Report. Adelphia seeks an extension of time of 120 days from the due date of April 30, 2004. The request will be considered to be a request for a four-month extension of time (*i.e.*, until August 31, 2004).

4. In the letter, Adelphia states that, at present, it is undergoing a corporate restructuring in bankruptcy under the supervision of the United States Bankruptcy Court in the Southern District of New York. According to Adelphia, the bankruptcy proceeding has hampered its ability to retrieve the operational and financial data required to file its 2003 Annual Report. Adelphia states that it “will complete and mail [its] 2003 annual intrastate gross operating revenues reporting for assessment purposes to the [Commission] and process assessment invoices as promptly as possible under the guidance of the bankruptcy court.” The letter states good cause, and the request will be granted.

5. The grant of this extension of time will be predicated on Adelphia’s timely filing the required Form DR 525 with the Colorado Department of Revenue. If Adelphia fails to make this filing as required, the grant of an extension of time to file the 2003 Annual Report with the Commission will be null and void as to it.

6. No party will be prejudiced by waiving the response time to Adelphia’s request. The time to respond to Adelphia’s request will be waived.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The request of Adelphia Business Solutions Operations Inc., for an extension of time within which to file its 2003 Annual Report with the Commission is granted.
2. The time within which Adelphia Business Solutions Operations Inc., must file its 2003 Annual Report with the Commission is extended to and including August 31, 2004.
3. Adelphia Business Solutions Operations Inc., shall timely file the required Form DR 525 with the Colorado Department of Revenue.
4. If Adelphia Business Solutions Operations Inc.. fails timely to file the required Form DR 525 with the Colorado Department of Revenue, the extension of time granted to it is null and void.
5. Response time to the request of Adelphia Business Solutions Operations Inc., is waived.
6. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

---

Administrative Law Judge