Decision No. R04-0274

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02I-487T

RE: THE INVESTIGATION OF THE COLORADO OPERATOR SERVICE CONTRACT RATES FILED BY MCI WORLDCOM COMMUNICATIONS, INC., PURSUANT TO RULE 4 CCR 723-18-5.4.4.

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE WILLIAM J. FRITZEL DISMISSING CASE

Mailed Date: March 17, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On August 28, 2002, MCI WorldCom Communications, Inc., filed a letter with the Commission proposing operator service contract rates with the Colorado Department of Corrections.

2. On September 16, 2002, the Commission by Decision No. C02-1017 initiated an investigation of the matter.

3. Notices of Intervention were filed by Staff of the Public Utilities Commission and the Colorado Office of Consumer Counsel.

4. Subsequent to the opening of this docket, the Colorado General Assembly made changes to the relevant statutes, namely §§ 40-15-102(20.6) and 40-15-401(j), C.R.S., that effectively deregulated operator services to provide telephone service to inmates at penal institutions, thus leaving the Commission without jurisdiction. Accordingly, this case should be dismissed.

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. Docket No. 02I-487T, the Investigation of the Operator Service Contract Rates filed by MCI WorldCom Communications, Inc., is dismissed.

2. 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.

3. 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.

4. 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

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Administrative Law Judge

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