

Decision No. R04-0458-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-054T

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO EXECUTE A TRANSFER
OF COLORADO TELESERV, INC.

DOCKET NO. 04A-079T

IN THE MATTER OF THE APPLICATION OF FRANK RAMOGIDA HOLDINGS (CO),
INC., DOING BUSINESS AS ROCK SOLID BROADBAND, FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES AND FOR A LETTER OF REGISTRATION TO
PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICES.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION TO
WITHDRAW AS COUNSEL**

Mailed Date: May 4, 2004

I. STATEMENT

1. On February 3, 2004, Colorado Teleserv, Inc. (Teleserv), and Frank Ramogida Holdings (CO), Inc. (FRHC), filed an Application Requesting Authority to Execute a Transfer (Transfer Application). By this verified filing Teleserv and FRHC seek authority to transfer a controlling interest in Teleserv to FRHC. The Transfer Application commenced Docket No. 04A-054T (Transfer Proceeding). On February 3, 2004, Teleserv and FRHC also filed Supplemental Material in Support of the Transfer Application.

2. On March 24, 2004, Staff of the Commission (Staff) intervened of right and requested a hearing in the Transfer Proceeding. This is the only intervention in that proceeding.

3. On February 23, 2004, FRHC filed an Application for a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services and for a Letter of Registration to Provide Emerging Competitive Telecommunications Services (CPCN Application). The CPCN Application commenced Docket No. 04A-079T (CPCN Proceeding).

4. On March 29, 2004, Staff intervened of right and requested a hearing in the CPCN Proceeding. This is the only intervention in that proceeding.

5. By Decision No. R04-0373-I, the undersigned Administrative Law Judge (ALJ) consolidated the Transfer Proceeding and the CPCN Proceeding, scheduled a hearing date, and established a procedural schedule in this consolidated matter.

6. On April 13, 2004, Craig D. Joyce, Esquire filed a Motion to Withdraw as Counsel for Colorado Teleserv, Inc. (Motion), and filed a supplement to the Motion on April 14, 2004. Mr. Joyce filed the Motion pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-1-21(c). As grounds for the Motion Mr. Joyce states that the “request is consistent with permissible reasons under Rules 1.16(b)(1)(D) and (b)(1)(F) of the Colorado Rules of Professional Conduct.” Motion at ¶ 1.

7. Each party, including Teleserv, received a copy of the Motion and had actual notice that objection to the Motion was due within ten days of service of the Motion. *Id.* at ¶ 4 and Certificate of Service. Review of the Commission file in this proceeding reveals that no response or objection to the Motion has been filed.

8. Rule 4 CCR 723-1-21(c) governs motions to withdraw as counsel in proceedings before the Commission. The ALJ finds that Mr. Joyce fulfilled the notice and other requirements

of that Rule and, further, that the Motion states good cause. The Motion is unopposed and, therefore, granting the Motion will not prejudice any party. The Motion will be granted. The parties will be directed to remove Mr. Joyce's name from their service lists and to serve Teleserv directly until such time as Teleserv obtains new counsel.

II. ORDER

A. It Is Ordered That:

1. The Motion to Withdraw as Counsel filed by Craig D. Joyce is granted.
2. The Commission and the parties shall remove Craig D. Joyce from their service lists.
3. The Commission and the parties shall serve Colorado Teleserv, Inc., directly until such time as Colorado Teleserv, Inc., obtains new counsel.
4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge