

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: May 5, 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. By letter received May 3, 2004, Airnex Communications, Inc. (Airnex), submitted a letter to the Commission requesting an extension of time to file its 2003 Annual Report. Airnex does not state the length of time for which an extension of time is sought. The request is based on Airnex’s recently having taken in-house report filing functions which used to be performed by an outside contractor. As a result, Airnex finds itself in a transition period. Given this transition, an enlargement of time of 60 days (*i.e.*, to and including June 30, 2004) should provide sufficient time for the transition to be completed and, therefore, is appropriate. If it should develop that 60 days proves to be insufficient, Airnex may file for an additional extension.¹

4. The Airnex letter states good cause, and the request will be granted.

5. The grant of this extension of time will be predicated on Airnex’s timely filing the required Form DR 525 with the Colorado Department of Revenue. If Airnex 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 Airnex’s request. The time to respond to Airnex’s request will be waived.

¹ That request, if filed, will be reviewed on its merits.

II. ORDER

A. It Is Ordered That:

1. The request of Airnex Communications, Inc., for an extension of time within which to file its 2003 Annual Report with the Commission is granted.
2. The time within which Airnex Communications, Inc., must file its 2003 Annual Report with the Commission is extended to and including June 30, 2004.
3. Airnex Communications, Inc., shall timely file the required Form DR 525 with the Colorado Department of Revenue.
4. If Airnex Communications, 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 Airnex Communications, Inc., is waived.
6. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge