

Decision No. R04-0538-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-242T

AMERICAN COMMUNICATIONS,

COMPLAINANT,

V.

QWEST CORPORATION,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
DENYING AS MOOT THE MOTION
TO VACATE EMERGENCY HEARING
AND THE EMERGENCY REQUEST
FOR AN INTERIM ORDER REQUIRING
RECONNECTION OF SERVICE
AND WAIVING RESPONSE TIME**

Mailed Date: May 24, 2004

I. STATEMENT

1. On May 13, 2004, American Communications (Complainant) filed a Formal Complaint (Complaint) against Qwest Corporation (Respondent). The Complaint commenced this proceeding.

2. On May 14, 2004, the Commission issued an Order to Satisfy or Answer to Respondent. That Order established the procedural schedule in this matter. *See also* Rule 4 *Code of Colorado Regulations* 723-1-72 governing formal complaints. On that same date

the Commission issued its Order Setting Hearing and Notice of Hearing in this matter. The hearing is scheduled for July 8, 2004.

3. Incorporated in the Complaint is an Emergency Request for an Interim Order Requiring Reconnection of Service (Emergency Request). The Commission scheduled a hearing on the Emergency Request for May 17, 2004.

4. On May 17, 2004, Complainant filed a Motion to Vacate Emergency Hearing (Motion). As grounds for granting the Motion, Complainant states that it was able to reach an accommodation with Respondent “which provides for the reconnection of [Complainant’s jurisdictional telecommunications services previously disconnected by Respondent], rendering [the] request for interim relief moot.” *Id.* at ¶ 2. Complainant and Respondent “see no need for a hearing with respect to the interim relief originally requested.” *Id.* at ¶ 3.

5. The date for the emergency hearing, scheduled for May 17, 2004, has passed. The Motion will be denied as moot.

6. Complainant states that Respondent’s reconnecting previously-disconnected jurisdictional telecommunications services renders the Emergency Request moot. As a result, at this time the Emergency Request will be denied as moot.

7. The Motion is denied as moot, and Qwest does not oppose the Motion. The Administrative Law Judge will waive response time to the Motion.

II. ORDER

A. It Is Ordered That:

1. The Motion to Vacate Emergency Hearing is denied as moot.

2. The Emergency Request for an Interim Order Requiring Reconnection of Service is denied as moot.

3. Response time to the Motion to Vacate Emergency Hearing is waived.

4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge