

Decision No. R04-0574-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-276T

ADVANCED AIR TECH MECHANICAL, INC. DBA ADVANCE AIR TECK

COMPLAINANT,

V.

QWEST CORPORATION,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
REQUIRING SERVICE TO BE REESTABLISHED**

Mailed Date: May 28, 2004

I. STATEMENT

1. On May 28, 2004, Complainant Advanced Air Tech Mechanical, Inc., doing business as Advance Air Teck (Advanced Air) filed its Verified Formal Complaint against Qwest Corporation (Qwest). Advanced Air alleges that service has been terminated at its service address of 1800 S. Sheridan Boulevard, Suite 305, Denver, Colorado, under the number of 303-287-4005 (with four additional rollover lines) without notice. Attached to the complaint was an Emergency Motion for Interim Order. The Emergency Motion notes that Advanced Air is dependent upon telephone service for its business and unless business telephone service is restored immediately customers of Advanced Air will not be able to contact Advanced Air.

2. The Complaint suggests that the termination was due to alleged fraud. See Complaint at paragraph 8. Complainant denies obtaining service fraudulently and denies using the service fraudulently.

3. Attached to the Complaint is a letter from Qwest acknowledging a request for service from Advanced Air at the Sheridan Boulevard address. Also attached is a month's bill dated May 7, 2004 (billing in advance).

4. The Commission does have the authority to order that service be provided pending the resolution of a complaint. However, this is not the typical residential complaint involving a billing dispute. Rather, there are allegations of fraud. The undersigned Administrative Law Judge (ALJ) is aware that phone-based businesses can suffer great harm in a short period. Yet, there is insufficient information in the Verified Complaint to warrant an order requiring service to be reconnected pending the resolution of the complaint. Therefore, by this Order, the ALJ will order Qwest to reconnect service for a period of seven days. Within that seven-day period, the Complainant may schedule a hearing, with notice to the Respondent, for determining whether this Interim Order requiring service should be extended until the conclusion of the Formal Complaint proceeding.

II. ORDER

A. It Is Ordered That:

1. The Emergency Motion for Interim Order filed May 28, 2004 is granted in part. Qwest Corporation is ordered to reestablish service to the Complainant Advanced Air Tech Mechanical, Inc., at 1800 S. Sheridan Boulevard, Suite 305, Denver, Colorado 80232 under the main number of 303-287-4005, with four additional rollover lines. Qwest Corporation shall

reestablish service without charging nonrecurring charges for the reestablishment of discontinued service. Qwest Corporation shall reestablish service as soon as practicable, but no later than noon on May 31, 2004.

2. Qwest Corporation shall continue service for a period of seven days from the time of reconnection.

3. Qwest Corporation may terminate service in accordance with its tariffs for any other matters not subject to this complaint.

4. Complainant may schedule a hearing within the next seven days to determine whether the order requiring the continuation of service should be extended.

5. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

