

Decision No. R04-0795-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
VACATING HEARING**

Mailed Date: July 16, 2004

I. STATEMENT

1. On July 9, 2004, Qwest Corporation (Qwest) filed its Motion to Dismiss Complaint, Vacate Order Requiring Service to be Reestablished, and Vacating the July 22, 2004 Hearing Date. By this motion Qwest states that Complainant Advanced Air Tech Mechanical, Inc. (Advanced Air), has switched telephone no. 303-287-4005 and four additional rollover business lines to another carrier, and Qwest no longer provides regulated telecommunications services to Advanced Air. Qwest seeks to have the complaint dismissed, the hearing vacated, and the interim order requiring interim service vacated.

2. Also on July 9, 2004, Horizon Mechanical, Inc. (Horizon), filed its Petition to Intervene. Horizon alleges an interest in the telephone numbers that are the subject of this proceeding.

3. The undersigned Administrative Law Judge contacted counsel for Horizon and counsel for Advanced Air to request expedited responses to the Qwest motion. Such an expedited response was filed by Horizon. Counsel for Advanced Air indicated that there probably will be a joint dismissal stipulation filed imminently.

4. The Motion to Dismiss contains factual allegations that have not been established or conceded by the Complainant. However, it appears that a dismissal may be imminent. Therefore the undersigned will vacate the hearing currently scheduled for July 22, 2004. Complainant Advanced Air shall file either a stipulated dismissal or a response to the Motion to Dismiss no later than July 23, 2004.

II. ORDER

A. It Is Ordered That:

1. The hearing in this matter scheduled for July 22, 2004 is vacated.
2. Complainant Advanced Air Tech Mechanical, Inc., shall file either a stipulated dismissal or a response to the Qwest Corporation motion and the Horizon Mechanical, Inc., petition no later than July 23, 2004.
3. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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