

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-556T

IN THE MATTER OF THE APPLICATION OF FRONT RANGE COMMUNICATIONS, INC.,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES AND/OR A LETTER OF
REGISTRATION TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS
SERVICES.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
DISMISSING APPLICATION
AND CLOSING DOCKET**

Mailed Date: July 20, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On December 31, 2003, Front Range Communications, Inc. (Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services and/or a Letter of Registration to Provide Emerging Competitive Telecommunications Services.

2. On January 2, 2004, notice of the application was posted to the Commission's web site.

3. On February 13, 2004, Staff of the Public Utilities Commission (Staff) filed a Notice of Intervention and Request for Hearing.

4. By Interim Order No. R04-0252-I, a hearing was scheduled on the application for April 27, 2004.

5. At the request of Staff, the April 27, 2004 hearing was converted to a prehearing conference. At the prehearing conference, attended by the attorneys for Applicant and Staff, a procedural schedule was established and a new hearing date was selected.

6. By Decision No. R04-0446-I, a hearing date of July 16, 2004 was scheduled.

7. The hearing was called on July 16, 2004. The attorney for Staff entered her appearance. Applicant did not appear.

8. Staff moved to dismiss the application and close the docket for the reason that Applicant did not appear to prosecute its application. The motion was orally granted.

9. It was found that proper notice was given to all the parties of record of the hearing date of July 16, 2004 at 9:00 a.m. at the Commission hearing room in Denver. It was further noted that the official file of the Commission contained no motion for a continuance of the hearing or any other communication to that effect. Since it appears Applicant has abandoned the application, the application is dismissed and this docket is closed.

10. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The motion of Staff of the Public Utilities Commission to dismiss the application and close the docket is granted.

2. Docket No. 03A-556T, the application of Front Range Communications, Inc., is dismissed.

3. Docket No. 03A-556T is closed.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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