

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-254T

IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION FOR APPROVAL OF ITS REVISED EXCHANGE AREA MAP FOR THE DENVER METRO EXCHANGE AREA AURORA ZONE AND THE DECLARATION OF QWEST CORPORATION OF ITS INTENT TO SERVE WITHIN THE TERRITORY OF EASTERN SLOPE RURAL TELEPHONE ASSOCIATION, INC., A RURAL TELECOMMUNICATIONS PROVIDER.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING PETITION TO INTERVENE**

Mailed Date: August 13, 2004

I. STATEMENT

1. On May 19, 2004, Qwest Corporation (Qwest) filed an Application for Approval of its Revised Exchange Area Map in the Denver Metro Exchange Aurora Zone and Declaration of its Intent to Serve Within the Territory of Eastern Slope Rural Telephone Association, Inc. (Application). The Application commenced this docket. Qwest subsequently filed an Amended Application.

2. The Commission gave public notice of the Application and established an intervention period. See Notice of Application Filed, dated May 21, 2004. The intervention period expired on June 21, 2004.

3. Eastern Slope Rural Telephone Association, Inc., and Staff of the Commission are intervenors, and each opposes the Application. Front Range Airport Authority is an intervenor, and it supports the Application.

4. A prehearing conference was held on July 29, 2004. Following that prehearing conference, the undersigned Administrative Law Judge (ALJ) issued Decision No. R04-0876-I which established a procedural schedule and scheduled hearing dates of October 28 and 29, 2004, in this proceeding.¹

5. On August 3, 2004, TransPort: A Shuck Corporation Development (TransPort) filed out of time a Petition to Intervene (Petition). No certificate of service was filed with the Petition.

6. By Decision No. R04-0915-I, the ALJ gave notice of the Petition; provided the addresses and telephone numbers for TransPort and its counsel; and shortened, to and including August 12, 2004, response time to the Petition. The Order also advised TransPort that, if the Petition is granted, TransPort will take the proceeding as it finds it, including all filing deadlines and the hearing dates.

7. No party filed a response to the Petition which is, therefore, unopposed.

8. In the Petition TransPort identifies its substantial interest in this matter and explains its failure to intervene within the established intervention period. It is early in the proceeding, the hearing is scheduled for October 2004, and TransPort will take the proceeding as it exists. The absence of response to the Petition indicates that no party opposes or will be prejudiced by the granting of the Petition. Accordingly, the ALJ will grant the Petition. TransPort will be made an intervenor in this matter, will take the proceeding (including procedural dates and hearing dates) as it finds it, and will be charged with knowledge of orders previously entered and rulings previously made in this matter.

¹ TransPort is advised to obtain a copy of Decision No. R04-0876-I.

II. ORDER

A. It Is Ordered That:

1. The Petition to Intervene late-filed by TransPort: A Shuck Corporation Development is granted.
2. TransPort: A Shuck Corporation Development is an intervenor and a party in this proceeding.
3. TransPort: A Shuck Corporation Development takes this proceeding as it finds it, is bound by the provisions of Decision No. R04-0876-I, and is charged with knowledge of orders entered and rulings made previously in this proceeding.
4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge