

Decision No. R04-1552

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-327T

IN THE MATTER OF THE APPLICATION OF TRANS NATIONAL COMMUNICATIONS
INTERNATIONAL, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.

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

Mailed Date: December 27, 2004

Appearances:

Philip Josephson, Esq., for Trans National Communications
International, Inc. (appearance by telephone); and

David A. Beckett, Assistant Attorney General, for the Staff of the
Public Utilities Commission.

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On June 22, 2004, Trans National Communications International, Inc. (Trans National), filed an application for a certificate of public convenience and necessity to provide local exchange telecommunications services.

2. On July 28, 2004, Staff of the Colorado Public Utilities Commission (Staff) intervened.

3. The matter was called for hearing on December 8, 2004. As a preliminary matter, the motion of Staff to dismiss the application without prejudice and close docket was considered. Trans National agreed to Staff's motion to dismiss the case without prejudice.

4. The motion of Staff was orally granted and the hearing was closed.

5. Pursuant to § 40-6-109(2), C.R.S., it is recommended the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The motion of the Staff of the Colorado Public Utilities Commission to dismiss the application without prejudice and close docket is granted.

2. Docket No. 04A-327T is dismissed without prejudice. Docket No. 04A-327T is closed.

3. 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.

4. 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.

5. 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