

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0669T

IN THE MATTER OF THE 2014 APPLICATION OF QWEST CORPORATION, DOING BUSINESS AS CENTURYLINK QC, REQUESTING COMMISSION APPROVAL OF ADDITIONS TO NON-IMPAIRED WIRE CENTER LIST IN ACCORDANCE WITH THE FCC'S TRIENNIAL REVIEW REMAND ORDER.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION; DISMISSING
ESCHELON TELECOM OF COLORADO, INC.;
AND WAIVING RESPONSE TIME**

Mailed Date: September 11, 2014

I. STATEMENT, DISCUSSION, AND CONCLUSIONS

1. On June 20, 2014, Qwest Corporation, doing business as CenturyLink QC (Qwest), filed (in one document) its 2014 Application for Commission Approval of Additions to Non-Impaired Wire Center List [Application] and Motion for Expedited Issuance of Protective Order [Motion for Protective Order]. That filing commenced this Proceeding.

2. On July 30, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

3. The procedural history of this Proceeding is set out in previous Interim Decisions entered in this Proceeding. The procedural history is repeated here as necessary to put this Recommended Decision in context.

4. On June 26 2014, Eschelon Telecom of Colorado, Inc., doing business as Integra Telecom (Integra), timely filed a Petition to Intervene (Petition). On August 26, 2014, by

Decision No. R14-1037-I and as pertinent here, the ALJ granted the Petition and permitted Integra to intervene in this Proceeding. The ALJ also directed Integra to obtain legal counsel to represent it in this Proceeding and directed Integra's counsel to enter an appearance in this matter not later than September 5, 2014.

5. On September 5, 2014, Integra's counsel filed (in one document) an Entry of Appearance and Motion to Withdraw Intervention of Eschelon of Colorado, Inc. [Motion to Withdraw] and for Waiver of Response Time [Motion for Waiver].

6. The ALJ finds that the Motion for Waiver states good cause and that no party will be prejudiced if the motion is granted. The ALJ will grant the Motion for Waiver and will waive response time to the Motion to Withdraw.

7. As good cause for granting the Motion to Withdraw, Integra states that, as a result of its review of documents and discussion with Commission Staff,

Integra has no basis to oppose [Qwest's] application to classify Aurora Main and Denver South wire centers as Tier 1. Integra does not intend to provide evidence in this docket, and for expediency, requests permission to withdraw its intervention in this docket.

September 5, 2014 filing at ¶ 5 (footnote omitted).

8. The ALJ finds that the Motion to Withdraw states good cause and that no party will be prejudiced if the motion is granted. The ALJ will grant the Motion to Withdraw and will dismiss Integra from this Proceeding.

9. Pursuant to § 40-6-109(2), C.R.S., the Administrative Law Judge recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Motion to Withdraw, which motion was filed on September 5, 2014 by Eschelon Telecom of Colorado, Inc., doing business as Integra Telecom, is granted.

2. Eschelon Telecom of Colorado, Inc., doing business as Integra Telecom, is dismissed from this Proceeding.

3. The Motion for Waiver of Response Time, which motion was filed on September 5, 2014 by Eschelon Telecom of Colorado, Inc., doing business as Integra Telecom, is granted.

4. Response time to the Motion to Withdraw Intervention of Eschelon of Colorado, Inc., is waived.

5. 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.

6. 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.

7. 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.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director