

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-034T

IN THE MATTER OF THE TRANSFER OF ASSETS FROM ALLEGIANCE TELECOM OF COLORADO INC. TO QWEST CORPORATION AND QWEST COMMUNICATIONS CORPORATION AND A REQUEST FOR WAIVERS.

**ORDER GRANTING MOTION TO
WITHDRAW APPLICATION**

Mailed Date: March 3, 2004
Adopted Date: March 3, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On January 20, 2004, Qwest Corporation (QC), Qwest Communications Corporation (QCC), Qwest LD Corp. (QLDC), and Allegiance Telecom of Colorado, Inc. (Allegiance Colorado), filed a joint application for approval to transfer assets and request for waivers of Commission rules. 4 *Code of Colorado Regulations* 723-25-8. The transaction was in furtherance of the reorganization of Allegiance Telecom, Inc., under Chapter 11 of the U.S. Bankruptcy Code.

2. On January 22, 2004, the Commission mailed notice of the application to all interested parties. Interventions were due on or before February 23, 2004.

3. On February 10, 2004, Eschelon Telecom of Colorado, Inc., filed its Notice of Intervention and Entry of Appearance.

4. On February 20, 2004, QC, QCC, QLDC, and Allegiance Colorado filed a joint motion to withdraw the application to transfer assets.

5. As grounds for withdrawal, QC, QCC, QLDC, and Allegiance Colorado state that the U.S. Bankruptcy Court for the Southern District of New York announced that XO Communications, Inc., had submitted the highest bid in the auction for the assets of Allegiance Telecom, Inc. On February 19, 2004, the Bankruptcy Court confirmed XO Communications, Inc., as the winning bidder for those assets.

II. ORDER

A. The Commission Orders That:

1. Good cause having been shown, the Commission grants the motion by Qwest Corporation, Qwest Communications Corporation, Qwest LD Corp., and Allegiance Telecom of Colorado, Inc., to withdraw the application.

2. The intervention of Eschelon Telecom of Colorado, Inc., is denied as moot.

3. This docket is now closed.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 3, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER POLLY PAGE ABSENT.