

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-085T

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IN THE MATTER OF THE FILING OF QWEST CORPORATION'S STATEMENT OF  
GENERALLY AVAILABLE TERMS AND CONDITIONS.

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**ORDER GRANTING MOTION TO WITHDRAW FILING**

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Mailed Date: March 25, 2004  
Adopted Date: March 17, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On February 27, 2004, Qwest Corporation (Qwest) filed a Notice of Filing Tenth Revised Statement of Generally Available Terms (SGAT). This filing includes changes responding to the decision of the Federal Communications Commission (FCC) in its Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket Nos. 01-338 *et al.*, FCC 03-227, 18 FCC Rcd 16978 (August 21, 2003) (the Triennial Review Order).

2. On March 8, 2004, AT&T Communications of the Mountain States, Inc., and TCG Colorado (AT&T) filed a Motion for Extension of Time to file comments in response to Qwest's Notice. AT&T later withdrew this Motion stating that since the Commission intended to treat this filing as an application with all statutory time frames, the extension was unnecessary.

3. Finally, on March 16, 2004, Qwest filed a Notice of Withdrawal of its Tenth Revised SGAT. Qwest states in this Notice of Withdrawal that due to the recent decision from the

DC Circuit Court of Appeals, Case No. 00-1012, certain portions of the Triennial Review Order will be vacated on May 1, 2004, if the Court's decision is not stayed. Such vacation would require Qwest to submit another SGAT based on the law in effect as of that date. Therefore, Qwest seeks to withdraw its filing until it is known that either the Triennial Review Order stands or is vacated.

4. We grant Qwest's request to withdraw its Tenth Revised SGAT filing. We agree that it is a waste of Commission and parties' resources to review an SGAT that potentially will be in conflict with the FCC rules in short order. We find AT&T's Motion for Extension of Time and subsequent Request to Withdraw moot.

## **II. ORDER**

### **A. The Commission Orders That:**

1. Qwest Corporation's Notice of Withdrawal of Filing Tenth Revised Statement of Generally Available Terms is approved.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
March 17, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners