

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-058AT

**IN THE MATTER OF THE APPLICATION OF OMNETRIX INTERNATIONAL, INC.
TO DISCONTINUE OR CURTAIL JURISDICTIONAL TELECOMMUNICATIONS
SERVICE.**

TRANSITION PLAN

The following Transition Plan (the "Plan") provides that the customers currently served by Omnetrix International, Inc. d/b/a the Home Phone Company ("Omnetrix" or "OMXI"), as well as any other Omnetrix customers served on the billing account numbers ("BANs") of Colorado Teleserv, Inc. ("CTI"), will be transferred to and served by the provider of last resort, Qwest Corporation ("Qwest"), as the default provider designated by the Commission in accordance with Rule 723-25-7.6 (g), along with written notice that they may choose another local and long distance service provider at any time.

I. INTRODUCTION

1. On February 10, 2004 Omnetrix filed the above-captioned application seeking to discontinue providing Local Exchange Telecommunications Services and Emerging Competitive Telecommunications Services in Colorado.¹

2. The following Plan has been developed to provide the operational steps and procedural safeguards necessary for the Colorado Public Utilities Commission ("Commission") to approve Omnetrix's Application to discontinue the provision of telephone service to its Colorado customers while ensuring that all these customers maintain continuity of basic phone

¹ Omnetrix's Application in In re the Application of Omnetrix International, Inc to Discontinue or Curtail Jurisdictional Telecommunications Service, 04A-058AT.

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service, and at the same time, considering Qwest's financial and operational interests in a timely transition.

II. THE TRANSITION PLAN FOR OMNETRIX CUSTOMERS

1. In accordance with Commission Rule 4 CCR 723-25-7.6(g), and because Qwest has been designated as the provider of last resort for the area served by Omnetrix under Commission Rule 4 CCR 723-42, the Commission will designate Qwest as the default provider of local exchange service and long-distance service for OMXI local and long-distance customers, including those being served under CTI's BANs.

2. The transition period for Omnetrix's customers will begin the day after the effective date of the Commission's Order approving the transition plan and end no later than 30 days after the last customer notice has been mailed by the default provider. The customer notice ("Notice Letter" attached as Attachment B) shall be mailed when OMXI's customers have been transferred to the default provider. During this transition period, OMXI customers will be informed of the company's exit from the market and the right to choose another local or long-distance provider, after having been transferred to the default provider to ensure continuity of service.

3. No more than two business days after the effective date of the Commission order approving the Application to discontinue service, Omnetrix must provide Qwest and the Commission with a complete and accurate customer list, including those OMXI customers served under CTI's BANs. The list shall include each customer's name, telephone number, billing address, presubscribed interexchange carrier (PIC), and LPIC, optional features, and any other relevant information contained in the customer service record. Further, within four

business days following the effective date of the Order approving the Application, the default provider will begin transitioning OMXI's customers to its service and shall complete this transition process within the transition period. In addition, the default provider shall send the attached Notice Letter via First Class Mail within two business days of the completed transition of each customer. This Notice Letter contains the information required by 4 CCR 723-25-7.6, but has been modified as described below. In addition, the default provider will mail by separate First Class Mail a notice to the board of county commissioners of affected county, and to the mayor of each affected city, town, or municipality.

4. The Notice Letter, included as Attachment B, is a modification of the Form A customer notice required by Commission Rule 4 CCR 723-25-7.7 and the list of alternative providers is a modification of the latest Commission jurisdictional list (see Rule 4 CCR 723-25-7.6(d)) to reflect current circumstances. The Notice Letter will be sent after Commission approval of the Application and immediately after transferring customers to the default provider, thus requiring the modifications. Also, the Commission's jurisdictional list of providers will be modified to include only those local exchange providers ready, willing and able to provide local service to OMXI's customers.

5. During the transition period, and upon request of a CLEC who is listed on the Commission's Jurisdictional List of Telecommunications Providers, the default provider or the Commission shall make available the published subscriber list information, including name, address, and telephone number to permit other CLECs to solicit those customers who are not on the Colorado or national do-not-call lists.

6. The default provider shall be authorized to receive from Qwest wholesale and Qwest wholesale shall be authorized to provide to the default provider, the necessary information

it has available for the default provider to satisfy its obligations as defined in the Plan. Omnetrix and Qwest wholesale operations shall make the published Omnetrix subscriber list information available to CLECs upon request (as described in ¶ 5 above).

7. The default provider will migrate OMXI customers to the default provider's local service, without interruption of service and with their current telephone number and features and enhanced services, as feasible, and at the current default provider's rates. With the exception of those customers whose presubscribed long-distance carrier is Omnetrix, customers will retain their existing interLATA and intraLATA carriers and these presubscribed carriers will remain unchanged unless and until the customer requests a change. If a customer is presubscribed to OMXI long-distance service at the time the customer is transitioned to the default provider, that customer will be assigned to a similar long-distance plan provided by Qwest Long Distance. *on 4/9/04*
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There will be no charge imposed by the default provider or Omnetrix to customers for changing telecommunications service to another carrier as a result of the discontinuance of service.

8. Based on Omnetrix's estimate that it has about 1350 customers, Qwest believes it will be able to complete the migration of OMXI customers to Qwest within the transition period. If Qwest experiences unforeseen difficulties in completing the migration process by the end of the transition period, Qwest will notify Omnetrix and the Commission.

9. OMXI customers with a prior unpaid indebtedness to the default provider for basic local exchange telephone service and who fail to pay the prior indebtedness or reach payment arrangements acceptable to the default provider will nonetheless be migrated to the default provider after which time the default provider may pursue collection and service disconnection action in accordance with the Commission's rules.

10. The Commission will waive its rules prohibiting slamming (4 CCR 723-2-25), including a waiver of the letter of agency ("LOA") requirements. In addition, the Commission will waive Rule 4 CCR 723-2-27.4.1 relating to customer notification to select a long-distance provider at service initiation. These temporary waivers for the duration of the transition plan are necessary to transfer OMXI customers to the default provider and without service interruption within the time allotted in the Plan. In addition, the Commission will waive any claim of cramming (unauthorized charges being placed on a customer's bill) that may arise inadvertently by virtue of transferring customers' existing enhanced services, including packages of services, as reflected in the customer service record (e.g., call waiting, call forwarding, etc.).

11. Not later than 15 business days after OMXI customers are migrated to the default provider, the default provider will send a letter to those customers confirming that the default provider is now their service provider, and confirming the customer's service, products, features, including long-distance as applicable, and their associated rates. The default provider's notice to converted customers shall be prepared in cooperation with the Commission Staff and the OCC.

12. Upon completion of the transition period, Omnetrix will cease providing local exchange and long-distance service in Colorado.

13. If Omnetrix holds deposits for service from customers, it will refund the deposit and provide an affidavit to the Commission confirming the return of the deposits by the date determined by the Commission. The affidavit will include each customer's name, address, telephone number and the amount of the deposit returned and the date it was returned.

14. If any customer has prepaid Omnetrix for service, and Omnetrix has not provided the customer with such service, Omnetrix shall immediately refund the customer its advance for service. Omnetrix will provide an affidavit to the Commission confirming the refund of any

advances to customers within 30 days following the end of the transition period. The affidavit will include each such customer's name, address, telephone number, the amount of the refund, and the date the refund was mailed.

15. Omnetrix shall not bill any customers for services provided, or to be provided 30 days after a customer has been transitioned to the default provider.

16. Omnetrix's CPCN and Letter of Registration shall no longer be effective and its tariffs shall be deemed cancelled simultaneously on the day service for all of its customers have been transferred to the default provider. Because Omnetrix is discontinuing service, it is apparent that it will no longer be ready, willing, and able to offer service in accordance with its granted authorities and filed tariff. Therefore, it is consistent with its application that the filed tariff is deemed cancelled as of the day service is discontinued.

17. If at any time, Omnetrix is again ready, willing, and able to offer service, it will be free to file a new application for a CPCN and/or Letter of Registration and a new tariff with the Commission. No further filings will be required to effectuate the cancellation of Omnetrix's previously granted authorities or of its tariffs on file with the Commission, and the Commission's records will be updated to reflect the discontinuance of service and cancellation of its tariff.

18. In the event that Omnetrix cannot comply with any aspect of the Transition Plan, it shall inform the Commission and the parties as soon as possible.

19. OMXI shall cooperate fully with Commission Staff, the OCC, and the default provider in implementing this Transition Plan.