

**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.

---

**ORDER GRANTING MOTION FOR  
APPROVAL OF REVISED NOTICE LETTER  
AND REQUEST TO WAIVE RESPONSE TIME**

---

Mailed Date: April 21, 2004  
Adopted Date: April 21, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of a Motion for Approval of Revised Letter and Request to Waive Response Time filed by Qwest Corporation (Qwest) on April 20, 2004.

2. Pursuant to Decision No. C04-0370, mailed April 9, 2004, we approved a transition plan involving the customers of Omnetrix International, Inc. (Omnetrix). According to that transition plan, we designated Qwest as the default provider and ordered it to transition all customers of Omnetrix to Qwest. That Decision also waived certain Commission rules including Notice Form A, as well as slamming rules and cramming rules as they applied to this particular matter.

3. Qwest indicates that as a result of its designation as default provider, it is required under the rules of the Federal Communications Commission (FCC) to file for limited waiver of

47 C.F.R. § 64.1120(e)(1) and (e)(3). Those FCC rules require that transferred subscribers be notified 30 days in advance of a change in their service provider.

4. As a result of its petition to the FCC for waiver of its rules, Qwest indicates that it has modified the Notice Letter we approved in Decision No. C04-0370 in an effort to comply with the FCC's notice requirements. Qwest represents that the proposed modification adds information to the notice and does not change the substance, alter the meaning, or delete any material element of the Commission approved notice. Qwest further represents that Omnetrix, Commission Staff, and the Colorado Office of Consumer Counsel have given Qwest authority to state that they do not oppose the revised notice. As such, Qwest further requests that response time to its motion be waived.

5. We find that Qwest states good cause to revise the Notice form to be provided to Omnetrix customers as part of the transition plan. We further find on our own motion that it is advisable to send an *ex parte* letter advising the FCC that we support Qwest's petition for waiver of Rules 47 C.F.R. § 64.1120(e)(1) and (e)(3) regarding that transfer of Omnetrix subscribers. We also waive response time to Qwest's motion.

## **II. ORDER**

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

1. Qwest Corporation's Motion for Approval of Revised Notice Letter is granted
2. The Commission, upon its own motion, will send an *ex parte* letter to the Federal Communications Commission in support of Qwest Corporation's petition for waiver of certain Federal Communications Commission rules consistent with the discussion above.
3. Response time to Qwest Corporation's Motion is waived.

4. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 21, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Commissioners