

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 AND
WAIVING RESPONSE TIME**

Mailed Date: April 26, 2004

Adopted Date: April 26, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion for Approval of Second Revised Notice Letter, Request for Waiver of Response Time and Request for Special Meeting, filed by Qwest Corporation (Qwest) on April 23, 2004.

2. In Decision No. C04-370, mailed April 9, 2004, we granted a transition plan whereby Qwest, as the designated default provider, was ordered to transition all customers of Omnetrix International, Inc. (Omnetrix) to Qwest. We also approved an alternative form of notice to those customers of the transition of their service to Qwest (Notice Letter). Those Omnetrix customers were to then be provided a list of alternative providers from which they had the option to choose a new telecommunications provider or stay with Qwest. This “snap-back” plan was fashioned by Qwest, Omnetrix, Commission Staff (Staff) and the Colorado Office of Consumer Counsel (OCC).

3. On April 20, 2004, Qwest filed a Motion for Approval of Revised Letter and Request to Waive Response Time. According to that motion, Qwest indicated that it was

required to comply with Federal Communications Commission (FCC) Rules 47 C.F.R. § 64.1120(e)(1) and (e)(3). Those rules required that transferred subscribers be notified 30 days in advance of a change in their service provider. As a result, Qwest modified the Notice Letter we approved in Decision No. C04-0370 in an effort to comply with the FCC's notice requirements.

4. To comply with our Decision No. C04-370, Qwest filed a Petition for Waiver with the FCC of 47 C.F.R. § 64.1120(e)(1) and (e)(3). According to Qwest, after review of the Petition, the FCC requested that Qwest revise the proposed customer notice letter to provide advance notice to Omnetrix's customers of their transfer to Qwest. As a result, Qwest has revised the Notice Letter to read that within 30 days, Qwest will begin transitioning all Omnetrix customers to Qwest, unless the customer chooses an alternative provider prior to the time of transition. Otherwise, there are no other substantive changes to the Notice Letter.

5. Because time is of the essence here, Qwest asks that we hold a special open meeting for purposes of approving the second Notice Letter; that we order Qwest to mail the revised Notice Letter to all Omnetrix customers immediately; and that since all parties to this docket agree to the modifications, response time to the motion be waived.

6. We find good cause to grant Qwest's motion and approve the changes to the Notice Letter as indicated in Exhibit #2 attached to Qwest's motion.

II. ORDER

A. The Commission Orders That:

1. The Motion of Qwest Corporation for Approval of Second Revised Notice Letter, Request to Waive Response Time and Request for Special Open Meeting is granted consistent with the discussion above.

2. Response time to the motion is waived.

3. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
April 26, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER JIM DYER
ABSENT.