

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

DOCKET NO. 04A-254T

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IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION FOR APPROVAL OF ITS REVISED EXCHANGE AREA MAP FOR THE DENVER METRO EXCHANGE AREA AURORA ZONE AND THE DECLARATION OF QWEST CORPORATION OF ITS INTENT TO SERVE WITHIN THE TERRITORY OF EASTERN SLOPE RURAL TELEPHONE ASSOCIATION, INC., A RURAL TELECOMMUNICATIONS PROVIDER.

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**DECISION GRANTING PETITION TO  
INTERVENE AND REQUEST FOR HEARING**

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Mailed Date: July 6, 2004  
Adopted Date: June 30, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On May 19, 2004, Qwest Corporation (Qwest) filed an Application for Approval of its Revised Exchange Area Map for the Denver Metro Exchange Area Aurora Zone and the Declaration of Intent to Serve Within the Territory of Eastern Slope Rural Telephone Association, Inc. (Eastern Slope), a Rural Telecommunications Provider (Application).<sup>1</sup> In this Application, Qwest seeks to modify its Aurora exchange area to include a portion of Eastern Slope's Bennett exchange. Qwest makes this request in order to serve the entirety of the Front Range Airport and the TransPort business development.

2. On June 21, 2004, Eastern Slope filed a Petition to Intervene. In its Petition, Eastern Slope states that it has a substantial interest in the subject matter of this proceeding that

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<sup>1</sup> Qwest amended this Application on June 15, 2004 to include a new area map as proposed in the Application as well as to make the statement that Qwest does not seek to serve residential customers in the new area.

cannot be adequately addressed by any other party. Eastern Slope reserves the right to participate as interests may appear.

3. On June 24, 2004, Eastern Slope filed a Request for Hearing on this matter. In the Request, Eastern Slope indicates that the Commission should set this matter for hearing because: 1) Eastern Slope requests the opportunity to conduct discovery on Qwest regarding the factual representations made in the application; 2) Eastern Slope intends to review the information supplied by the applicant in testimony and in discovery responses to determine whether the requested relief may be granted as a matter of law; and 3) Eastern Slope intends to present testimony to the Commission regarding the impact the relief requested will have on Eastern Slope's customers and on universal service in the affected areas and throughout Eastern Slope's territory.

4. In response to the Petition to Intervene and the Request for Hearing, Qwest filed two documents on June 29, 2004. In these responsive filings, Qwest objects to Eastern Slope's intervention and states that Eastern Slope has no statutory or legally protected right which would permit it to intervene as of right. Further, Qwest indicates that the mere fact that Qwest may compete for customers in Eastern Slope's territory does not even demonstrate a legally cognizable interest in the proceeding, much less an interest substantial enough to warrant granting Eastern Slope's petition. Qwest asserts that Eastern Slope's intervention would contravene the legislature's direction to promote competition in Colorado.

5. We grant Eastern Slope's Petition to Intervene and its Request for Hearing on this matter. Rule 5.2, 4 *Code of Colorado Regulations* 723-25, allows the affected rural provider to protest or intervene within 20 days after a Notice of Declaration is filed. Eastern Slope has a

substantial interest in the outcome of this matter from both economic and network perspectives. In addition to Eastern Slope's concerns, there are many other questions not answered by this application that can be investigated at a hearing. Those issues include potential effects on the high cost fund, local calling areas, rate centers, numbering resources, and maps. Also, it is not clear to us if an exchange boundary change is necessary to accomplish Qwest's request. All of these questions, and most likely others, can be best answered through a hearing process. The Administrative Law Judge assigned to this case will set the hearing dates and further procedures.

## **II. ORDER**

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

1. The Application of Qwest Corporation is deemed complete.
2. The Petition to Intervene of Eastern Slope Rural Telephone Association, Inc., is granted.
3. The Request for Hearing of Eastern Slope Rural Telephone Association, Inc., is granted.
4. Response time to the Petition to Intervene of Eastern Slope Rural Telephone Association, Inc., is waived.
5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 30, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER JIM DYER  
ABSENT.

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