

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

DOCKET NO. 04A-356AT

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IN THE MATTER OF THE APPLICATION OF PREMIER COMMUNICATIONS, INC. TO  
DISCONTINUE OR CURTAIL JURISDICTIONAL TELECOMMUNICATIONS SERVICE.

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**ORDER DENYING JOINT MOTION**

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Mailed Date: August 13, 2004  
Adopted Date: August 11, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of a Joint Motion Requesting Initial Commission Decision and Request to Waive Response Time, filed by Qwest Corporation (Qwest) and the Colorado Office of Consumer Counsel (OCC) (collectively, Parties) on August 6, 2004.

2. The Parties indicate that a hearing is scheduled in this docket on August 17, 2004 to address the application to discontinue or curtail jurisdictional telecommunications services filed by Premier Communications, Inc. (Premier). The Parties expressed concern that the Administrative Law Judge (ALJ) assigned to hear this matter on August 17, 2004 will not be available from August 25, 2004 through September 27, 2004. Qwest indicates that its concern is that it continues to provide service to Premier and has not been paid since May 14, 2004. The OCC expresses concern that continuity of service for Premier's customers be maintained.

3. The Parties state that Premier anticipated exiting the market on September 10, 2004. The Parties request that an initial Commission decision be rendered in order to mitigate their concerns and complete the process as quickly as possible.

4. The Parties also indicate they are attempting to enter into a stipulation, which includes an agreed upon transition plan prior to the August 17, 2004 hearing. Should the parties arrive at a settlement, it is anticipated that the hearing will be conducted merely to approve the stipulation and transition plan.

5. Although we understand the concerns raised by the Parties, we are unconvinced that issuance of an initial Commission decision will expedite the process. The Parties have provided no evidence to us that the ALJ cannot issue a recommended decision subsequent to the hearing and prior to her scheduled absence from the office. We are confident the ALJ understands the import of rendering a timely decision in this matter, and will render such a timely decision, as is her regular practice. Further, we note the heavy case load the Commission currently carries and point out that there is no assurance that issuing an initial Commission decision would expedite the matter. We consequently find that the Parties have not stated good cause and therefore deny the joint motion.

## **II. ORDER**

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

1. The Joint Motion Requesting Initial Commission Decision filed by Qwest Corporation and the Colorado Office of Consumer Counsel is denied consistent with the discussion above.

2. Response time to the Joint Motion is waived.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the mailed date of this Order.

4. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 11, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

CHAIRMAN GREGORY E. SOPKIN  
ABSENT.