

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-380T

IN THE MATTER OF THE COMBINED APPLICATION OF QWEST CORPORATION FOR
RECLASSIFICATION AND DEREGULATION OF CERTAIN PART 2 PRODUCTS AND
SERVICES AND DEREGULATION OF CERTAIN PART 3 PRODUCTS AND SERVICES.

**ORDER GRANTING MOTION TO VOLUNTARILY
WITHDRAW APPLICATION WITHOUT PREJUDICE**

Mailed Date: August 30, 2004
Adopted Date: August 11, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the Motion to Voluntarily Withdraw Application Without Prejudice by Qwest Corporation (Qwest). Now being duly advised in the matter, we grant the motion and close this docket.

2. Qwest initiated this proceeding on July 21, 2004, by filing its Application for Reclassification of Certain Part 2 Services and Products, Deregulation of Certain Part 3 Services and Products, Motion for Waiver, and for Waiver of Response Time. Essentially, the application by Qwest requests that we deregulate most of Qwest's products and services pursuant to the provisions of §§ 40-15-207 and 40-15-305, C.R.S. Qwest, as part of its application, requested that we waive the requirements for customer notice as set forth in Commission rules relating to its application. In Decision No. C04-0905 (Mailed Date of August 4, 2004) we denied Qwest's motion for waiver of the applicable notice requirements.

3. Instead of dismissing the application, however, we afforded Qwest the option of issuing a direct mailing to customers informing them of the application, or withdrawing the instant application and refiling in the future when it is able to comply with the notice requirements set forth in the applicable rules. On August 10, 2004, Qwest filed its Response to Decision No. C04-0905. That Response informed the Commission that Qwest would not issue a direct mailing to its customers. Qwest, instead, has decided that it will withdraw this application and refile in the near future after issuing bill inserts of the new application to its customers.¹ Qwest requests that we treat the Response as a Motion to Voluntarily Withdraw its Application Without Prejudice.

4. Good cause having been stated, we grant the motion to withdraw. This docket will be closed.

5. On August 18, 2004, the Colorado Payphone Association filed its Petition to Intervene. Good grounds having been stated, the Petition is granted.

II. ORDER

A. The Commission Orders That:

1. The Motion to Voluntarily Withdraw its Application Without Prejudice by Qwest Corporation is granted. This docket is closed.

2. The Petition to Intervene by the Colorado Payphone Association is granted.

3. This Order is effective on its Mailed Date.

¹ As a result of informal discussions with Commission Staff and the Colorado Office of Consumer Counsel, Qwest also apparently intends to issue general newspaper notice of the new application to customers with whom it does not have a direct billing relationship (*e.g.*, toll customers of other telephone companies).

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.