

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-411T

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 DENYING MOTION AND
REQUIRING SUPPLEMENTAL INFORMATION**

Mailed Date: October 8, 2004

Adopted Date: October 8, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion for Partial Waiver From the Requirements of Rule 4 *Code of Colorado Regulations* (CCR) 723-38-10.1.1.7 filed by Qwest Corporation (Qwest) on October 7, 2004. Qwest seeks, pursuant to 4 CCR 723-1-59, a waiver from the portion of Rule 38-10.1.1.7 that requires a list and copies of all presently effective tariff pages governing the services for which deregulation is sought, to be filed with its application for deregulation.

B. Background

2. Qwest indicates in its motion that it received a deficiency letter from Commission Staff (Staff) dated October 6, 2004. Among other things, Staff's deficiency letter indicated that Qwest had not fulfilled the requirements of Rule 38-10.1.1.7 because Qwest had not, as of the date of the letter, provided Staff with a copy of its Local Exchange and Network Services tariff, Colorado PUC No. 20, as it would appear, should the Commission grant Qwest's application for

deregulation as filed. In response to the deficiency letter, Qwest submitted on October 7, 2004, in addition to its motion for variance from our rules, a “mock tariff” that reflects the services that would remain in its tariff should the Commission grant Qwest’s application as filed.

C. Analysis

3. The application before us, as proposed by Qwest, involves substantial issues of interest that touch upon nearly every Colorado entity and citizen in some manner. It is not an overstatement of the issue to characterize this application as one of the most important telecommunications dockets that this Commission will address. Therefore, we find it critical to a thorough understanding of the issues involved, and in rendering an informed decision, that we, as well as the parties to this matter, completely understand what Qwest is proposing, and the impact such a proposal will have on its tariffs.

4. Although we find Qwest’s “mock tariff” extremely helpful to us, we nonetheless find that in order to achieve our goal of maximum understanding of what is proposed here, it is imperative to require Qwest to provide additional information. We will therefore deny Qwest’s motion as presented for partial waiver of Rule 723-38-10.1.1.7. Rather, pursuant to the authority available to us in Rule 723-38-10.2.3, we will require Qwest to supplement its application with an additional filing of the relevant tariff sheets from its Local Exchange and Network Services tariff, Colorado PUC No. 20, that indicate in shaded format, the changes that will occur to the services and rate elements for which deregulation is sought.

5. However, in order to reduce the burden to Qwest of such a filing, we will waive the requirements for the number of copies it must file in this matter, as well as waive the requirement that it serve a copy of its tariff sheets in shaded format on all parties to this matter. Instead, we order Qwest to file two hard copies of the formatted tariff sheets and two electronic

copies with the Commission. The electronic copies, formatted as described, shall be submitted to the Commission in two distinct formats – one copy in Portable Document Format (PDF) format, the other electronic copy in the “native” format (either Word or Excel) from which the PDF format was derived. The electronic formats will be posted on the Commission’s website. We further order that Qwest provide the tariff sheets, formatted as described above, by close of business on Monday, October 18, 2004.

II. ORDER

A. The Commission Orders That:

1. Qwest Corporation’s Motion for Partial Waiver From The Requirements of Rule 4 CCR 723-38-10.1.1.7 is denied consistent with the discussion above.
2. Pursuant to 4 CCR 723-38-10.2.3, we order Qwest Corporation to supplement its application by filing a copy of its presently effective Local Exchange and Network Services tariff, Colorado PUC No. 20, formatted as described above, to indicate changes to the services and rate elements for which deregulation is sought.
3. Qwest Corporation shall file two hard copies and two electronic copies, as described above with the Commission by the close of business on October 18, 2004.
4. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
October 8, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners