

Decision No. C04-1213

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-221T

IN THE MATTER OF P C TELCOM'S PETITION FOR SUSPENSION OF LNP
REQUIREMENTS.

**DECISION GRANTING INTERVENTION
AND REQUEST FOR HEARING**

Mailed Date: October 15, 2004
Adopted Date: October 14, 2004

I. BY THE COMMISSION

A. Statement

1. On May 3, 2004, Phillips County Telephone Company (PC Telecom) filed a Combined Petition for Suspension and Motion for Expedited Treatment and Waiver of Response Time (Petition) requesting that the Commission temporarily suspend its wireline to wireless local number portability (LNP) obligations to Commercial Mobile Radio Service providers in its exchange until November 24, 2004.

2. By Decision No. C04-0630 mailed June 11, 2004, this Commission granted this request. On September 22, 2004, PC Telecom filed a Motion to Reopen the Record to request a further suspension until November 24, 2005. PC Telecom states in this Motion that it will be replacing its switch no later than August 2005 and that the new switch will be LNP capable. PC Telecom estimates that it will cost approximately \$13,000 to upgrade its current switch and it does not believe that it is prudent to continue to expend time and money to bring that switch into compliance.

3. On September 28, 2004, N.E. Colorado Cellular, Inc., doing business as Viaero (NECC) filed a Motion to Intervene and Request for Hearing. In this Motion, NECC states that its intervention was not warranted with PC Telecom's first Petition, but now that the company is requesting an additional year's suspension, NECC is concerned. NECC states that it will affirmatively offer at least one witness to rebut PC Telecom's arguments and to present evidence that it has not shown special circumstances exist to grant the additional time requested.

4. Now being duly advised on this matter, we grant NECC's Motion for Intervention and Request for Hearing and set this matter before an Administrative Law Judge (ALJ) for hearing and/or disposition. We direct the ALJ to handle this matter on an expedited basis due to the fast-approaching November 24, 2004 date.

II. ORDER

A. The Commission Orders That:

1. Phillips County Telephone Company's Motion to Reopen the Record is granted.
2. N.E. Colorado Cellular, Inc., doing business as Viaero's Motion to Intervene and Request for Hearing is granted.
3. This matter is set for hearing before an Administrative Law Judge.
4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners