

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-448AT

IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION TO DISCONTINUE PROVIDING INTRALATA MTS SERVICE IN THE AREAS SERVED BY FARMERS TELEPHONE COMPANY, INC. AND RICO TELEPHONE COMPANY.

**ORDER GRANTING APPLICATION
TO DISCONTINUE SERVICE**

Mailed Date: October 19, 2004
Adopted Date: October 14, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On September 1, 2004, Qwest Corporation (Qwest) filed an application to discontinue providing intraLATA Message Telecommunications Services (MTS) in the areas served by Farmers Telephone Company, Inc. (Farmers), and Rico Telephone Company (Rico).

2. Qwest stated in its application that it was providing this service pursuant to § 6.2.1 of its Exchange and Network Services Tariff and Price List. Farmers and Rico currently provide the billing and collection (B&C) services for this service. Farmers and Rico informed Qwest that they desire to discontinue the B&C services they provide to Qwest for IntraLATA MTS services. Qwest, in its application, represents that it currently offers IntraLATA MTS services to approximately 20 customers (24 access lines) in the Farmers (14 access lines) and Rico (10 access lined) service territories.

3. On September 3, 2004, notice of the application to discontinue providing MTS service to the customers of Farmers and Rico was posted on the Commission's web site. Interventions were due on or before October 4, 2004. None were filed.

4. Because this application is uncontested, it may be considered without a hearing pursuant to § 40-6-109(5), C.R.S.

5. An affidavit from Qwest that it had provided notice to Qwest's affected customers in the affected service areas and to the Board of County Commissioners for each affected County and to the Mayor of each city, town, or municipality, as required by Commission rule, was filed by Qwest on September 23, 2004. However, in its application, Qwest included a footnote stating that, "Since Qwest Corporation does not have the customer support services for the affected customers, Farmers and Rico have agreed to prepare and send the Qwest notices." An amended affidavit from Qwest that it provided notice to only the Board of County Commissioners for each affected County and to the Mayor of each city, town, or municipality was filed on October 6, 2004.

6. On October 6, 2004, an affidavit and a copy of the notice that was mailed to the affected customers by Farmers and Rico on September 2, 2004, on behalf of Qwest, which stated that service would be discontinued as of October 15, 2004, subject to regulatory approval, was filed with the Commission. In addition to the required notice, Farmers and Rico also sent an additional notice to customers on September 20, 2004.

7. All of the notice requirements pursuant to Commission Rules 4 *Code of Colorado Regulations* 723-25-7.5 and 7.6 have been met.

8. We find that Qwest, Farmers, and Rico have provided sufficient information for the Commission to take appropriate action relating to this matter.

9. It is of paramount importance that affected end users are provided with all relevant information, and afforded every opportunity to transition to a new IntraLATA MTS provider in a timely manner. We are satisfied that Qwest, Farmers, and Rico have taken every measure necessary to ensure a seamless transition for its end users.

II. ORDER

A. The Commission Orders That:

1. The application of Qwest Corporation to discontinue providing intraLATA Message Telecommunications Services to customers in the service territory of Farmers Telephone Company, Inc. and Rico Telephone Company is deemed complete.

2. Qwest Corporation's application to discontinue offering this service in Farmers Telephone Company, Inc.'s and Rico Telephone Company's service territory shall be effective October 15, 2004. and is approved with the following conditions:

a) Farmers and Rico will waive any costs that would normally be charged for transferring MTS service to a new provider. The end use customer will be held harmless in this transaction.

3. The obligation of Qwest Corporation to file an annual report with the Commission and contribute to all applicable Colorado funds for the period up until the effective date of this Order remains. These funds include the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism Fund, the Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program.

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