

Decision No. R04-0031

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03F-533T

CHARLENE M. LONG,

COMPLAINANT,

V.

AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.,
AND QWEST CORPORATION,

RESPONDENTS.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION TO
DISMISS, DISMISSING COMPLAINT,
WAIVING RESPONSE TIME,
AND CLOSING DOCKET**

Mailed Date: January 9, 2004

I. STATEMENT, FINDINGS, AND CONCLUSION

1. On December 15, 2003, Charlene M. Long (Complainant) filed the Complaint which commenced this docket.

2. On December 15, 2003, the Commission issued its Order to Satisfy or Answer to AT&T Communications of the Mountain States, Inc., and to Qwest Corporation (collectively, Respondents). On the same date the Commission issued its Order Setting Hearing and Notice of Hearing, which scheduled the hearing in this matter for January 26, 2004.

3. On January 2, 2004, Complainant filed a Motion to Vacate Hearing. On January 5, 2004, by Decision No. R04-0006-I, the undersigned Administrative Law Judge (ALJ) granted that motion and vacated the scheduled hearing.

4. On January 8, 2004, Complainant filed a Motion to Dismiss Complaint (Motion), stating that “the issue that gave rise to this action has been resolved with the Respondents.” The Motion states good cause, and granting the Motion will not prejudice any party. The Motion will be granted. Because the dispute underlying the Complaint has been resolved, the Complaint will be dismissed with prejudice. This docket will be closed.

5. In view of the subject matter of the motion and the fact that no Respondent will be prejudiced by granting the motion, response time to the Motion will be waived.

6. In accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Motion to Dismiss Complaint is granted.
2. The Complaint filed by Charlene M. Long is dismissed with prejudice.
3. Response time to the Motion to Dismiss Complaint is waived.
4. Docket No. 03F-533T is closed.
5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

6. As provided by § 40-6-106, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the recommended decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse a basic finding of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge; and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

7. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge