

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-426T

IN THE MATTER OF THE APPLICATION OF SPRINT CORPORATION FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
DISMISSING APPLICATION,
WITHOUT PREJUDICE**

Mailed Date: January 16, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. The captioned application of Sprint Corporation, on behalf of its Wireless Division (consisting of SprintCom, Inc., Sprint Spectrum, L.P., and WirelessCo, L.P., doing business as Sprint)(collectively, Sprint) was filed with the Colorado Public Utilities Commission (Commission) on October 1, 2003.

2. Public notice of the application was provided on October 3, 2003. The Staff of the Commission and the Colorado Office of Consumer Counsel have filed timely interventions in this matter.

3. On December 18, 2003, procedures and a procedural schedule governing this proceeding were established and the matter was set for hearing on March 30 and 31, 2004. *See*, Decision No. R03-1426-I.

4. On January 15, 2004, Sprint filed a Motion to Withdraw Its Application for Designation as an Eligible Telecommunications Carrier (Motion). The Motion indicates that

Sprint has reconsidered its application and requests that this matter be dismissed, without prejudice.

5. Good grounds having been shown, the Motion will be granted and response time thereto will be waived.

6. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Motion to Withdraw Its Application for Designation as an Eligible Telecommunications Carrier filed by Sprint Corporation, on behalf of its Wireless Division (consisting of SprintCom, Inc., Sprint Spectrum, L.P., and WirelessCo, L.P., doing business as Sprint), is granted and response time thereto is waived.

2. The captioned application of Sprint Corporation, on behalf of its Wireless Division (consisting of SprintCom, Inc., Sprint Spectrum, L.P., and WirelessCo, L.P., doing business as Sprint) is dismissed, without prejudice.

3. The hearing of this matter, currently scheduled for March 30 and 31, 2004, is vacated.

4. Docket No. 03A-426T 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 § 40-6-109, 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 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 basic findings 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 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