

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03B-287T

IN THE MATTER OF PETITION OF QWEST CORPORATION FOR ARBITRATION OF
AN INTERCONNECTION AGREEMENT WITH AT&T COMMUNICATIONS OF THE
MOUNTAIN STATES, INC. AND TCG-COLORADO PURSUANT TO 47 U.S.C. § 252 (B).

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING REQUEST TO
WITHDRAW MOTION AND
DENYING MOTION TO
INTERVENE AS MOOT**

Mailed Date: May 7, 2004

I. STATEMENT

1. On March 26, 2004, Qwest Corporation (Qwest) filed a Motion to Exercise Right Under the Agreements for Terms and Conditions for Interconnection, Unbundled Network Elements Ancillary Services, and Resale of Telecommunications Services to Rebut ISP-Bound Traffic Presumption (Motion) in the captioned matter.

2. The Commission referred the Motion to the undersigned administrative law judge for hearing at its Weekly Meeting of April 13, 2004.

3. On April 20, 2004, the Staff of the Commission (Staff) filed its Notice of Intervention, Entry of Appearance, Notice Pursuant to Rule 9(d) and Rule 24(a)(1) and Request for Hearing. On the same day Staff filed a Motion to Intervene Out of Time (Motion to Intervene).

4. On April 22, 2004, Qwest filed its Request to Withdraw the Motion. In support thereof, Qwest states that the relief requested by the Motion is no longer necessary as a result of AT&T Communications of the Mountain States, Inc., and TCG-Colorado's recent election of a mirroring billing arrangement under their Colorado interconnection agreements with Qwest. This will result in all traffic being exchanged on a bill and keep basis based on the zero-rate established by the Commission for ISP-bound traffic. This eliminates the need to measure ISP-bound traffic thereby rendering the 3:1 Presumption regarding the estimated measurement of such traffic irrelevant.

5. No party has objected to the Request to Withdraw the Motion. Good grounds having been shown, the request will be granted. The withdrawal of the Motion renders Staff's Motion to Intervene moot.

II. ORDER

A. It Is Ordered That:

1. The Request to Withdraw Motion to Exercise Right Under the Agreements for Terms and Conditions for Interconnection, Unbundled Network Elements Ancillary Services, and Resale of Telecommunications Services to Rebut ISP-Bound Traffic Presumption filed by Qwest Corporation is granted.

2. The Motion to Intervene Out of Time filed by the Staff of the Commission is denied as moot.

3. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge