

Decision No. R04-0488

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03F-534T

SUNWEST COMMUNICATIONS, INC.,

COMPLAINANT,

V.

QWEST CORPORATION,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
GRANTING UNOPPOSED MOTION
FOR LEAVE TO WITHDRAW
FORMAL COMPLAINT WITHOUT
PREJUDICE AND DISMISSING COMPLAINT**

Mailed Date: May 11, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On December 12, 2003, SunWest Communications, Inc. (SunWest), filed a complaint with the Commission, naming Qwest Corporation (Qwest) as Respondent.

2. On May 4, 2004, SunWest filed an unopposed motion to withdraw its complaint without prejudice. Qwest does not oppose the motion.

3. Pursuant to § 40-6-109(2), C.R.S., it is recommended that the Commission enter the following order.

II. ORDER**A. The Commission Orders That:**

1. The unopposed motion of SunWest Communications, Inc., to withdraw its formal complaint without prejudice is granted.

2. Docket No. 03F-534T, SunWest Communications, Inc., v. Qwest Corporation is dismissed without prejudice.

3. The hearing currently scheduled for May 17, 2004 is vacated.

4. Response time to the motion is waived.

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