

Decision No. R04-0734

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-209T

CATHEY ELLIS,

COMPLAINANT,

V.

QWEST CORPORATION,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
DISMISSING COMPLAINT**

Mailed Date: July 9, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. This proceeding was initiated on April 28, 2004, when Cathey Ellis filed a formal complaint (Complaint) with the Colorado Public Utilities Commission (Commission) against Qwest Corporation (Qwest).¹

2. On April 28, 2004, the Commission issued its Order to Satisfy or Answer and served a copy of the same on Qwest. On that same day, it issued an Order setting this matter for hearing at the Commission's office in Denver, Colorado, on June 4, 2004.

3. Qwest filed its Answer to the Complaint on May 18, 2004.

¹ The Complaint also listed a corporate entity, Gullivers Movers, Inc. (Gullivers), as a Complainant. Ms. Ellis and Gullivers are collectively referred to herein as "Complainant."

4. The matter was called for hearing at the assigned place and time. Ms. Ellis and Ms. Cynthia Bell submitted testimony on behalf of the Complainant. Ms. Susan McKown, Qwest's Manager of Executive Complaints, submitted testimony on behalf of that entity. Exhibits 1 through 9, 9A, and 12 were identified, offered, and admitted into evidence. Exhibits 10 and 11 were withdrawn. The undersigned administrative law judge took the matter under advisement at the conclusion of the hearing.

5. On July 6, 2004, the parties submitted a Stipulated Motion to Dismiss (Stipulation) in this matter. The Stipulation indicates that the parties have reached a settlement that resolves all issues encompassed by this proceeding. They request that this matter be dismissed, with prejudice.

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 Stipulated Motion to Dismiss filed by Complainants, Cathey Ellis and Gullivers Movers, Inc., and Respondent, Qwest Corporation, is granted.

2. The captioned proceeding is dismissed, with prejudice, and Docket No. 04F-209T is closed.

3. 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.

4. 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.

5. 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

