

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-254T

IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION FOR APPROVAL OF ITS REVISED EXCHANGE AREA MAP FOR THE DENVER METRO EXCHANGE AREA AURORA ZONE AND THE DECLARATION OF QWEST CORPORATION OF ITS INTENT TO SERVE WITHIN THE TERRITORY OF EASTERN SLOPE RURAL TELEPHONE ASSOCIATION, INC., A RURAL TELECOMMUNICATIONS PROVIDER.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION TO INTERVENE**

Mailed Date: October 1, 2004

I. STATEMENT

1. On May 19, 2004, Qwest Corporation (Qwest) filed an Application for Approval of its Revised Exchange Area Map in the Denver Metro Exchange Aurora Zone and Declaration of its Intent to Serve Within the Territory of Eastern Slope Rural Telephone Association, Inc. (Application). The Application commenced this docket. Qwest has filed an Amended Application.

2. The Commission gave public notice of the Application. *See* Notice of Application Filed, dated May 21, 2004. Eastern Slope Rural Telephone Association, Inc. (Eastern Slope), and Staff of the Commission have intervened and oppose the Application. The Front Range Airport Authority and Transport: A Schuck Corporation Development have intervened and support the Application.

3. By Decision No. R04-0876-I the undersigned Administrative Law Judge (ALJ) established the procedural schedule for, and set the hearing in, this matter.

4. On September 13, 2004, after the expiration of the intervention period, the Colorado Telecommunications Association (CTA) filed a Motion to Intervene (Motion). The filing states that, at the time this case was initiated and through the intervention period, both Qwest and Eastern Slope were members of CTA and that, because this case involved a dispute between two of its members, CTA did not intervene due to the conflict of interest presented. As Qwest is no longer a member of CTA (thus eliminating the perceived conflict) and as the issues presented are questions of first impression which are of interest to its membership and which may establish principles which potentially impact its membership, CTA moves for permission to intervene late. If it is granted leave to intervene, CTA represents that “it will take the docket in the procedural status where it now stands. CTA will seek no delay or modification of the present filing deadlines and established hearing date[.]” Motion at ¶ 6.

5. No party filed a response to the Motion. The Motion is thus unopposed.

6. The ALJ finds that the Motion states good cause, that granting the motion will not prejudice any party, and that the Motion should be granted. The Motion will be granted. CTA will be permitted to intervene but must take this proceeding as it finds it.¹

II. ORDER

A. It Is Ordered That:

1. The Motion to Intervene filed by the Colorado Telecommunications Association is granted.

2. Colorado Telecommunications Association is a party in this docket and takes this matter as it finds it.

¹ In light of the quoted CTA representation, CTA may not file answer testimony and exhibits in this proceeding as that deadline has passed.

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge