

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
SCHEDULING HEARING PURSUANT
TO § 40-6-109.5(4), C.R.S.**

Mailed Date: December 23, 2004

I. STATEMENT

1. On May 19, 2004, Applicant 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 filed an Amended Application.

2. The Commission gave public notice of the Application. Eastern Slope Rural Telephone Association, Inc. (Eastern Slope), Colorado Telecommunications Association, Staff of the Commission, the Front Range Airport Authority, and Transport: A Schuck Corporation Development intervened.

3. Hearing in this matter was held on October 28, 2004. The parties filed post-hearing statements of position on November 15, 2004.

4. On December 16, 2004, Eastern Slope filed a Notice of Supplemental Authority. Appended to that filing were two Orders of the Oregon Public Utility Commission in an arbitration proceeding held in 2002. According to Eastern Slope, Qwest was a party to this arbitration which “addresse[d] some of the precise issues before the Colorado Commission in this docket.” Notice of Supplemental Authority at 1.

5. On December 22, 2004, Qwest filed a Motion to Strike “Notice of Supplemental Authority.” If the supplemental authority is allowed, however, Qwest requests permission to file additional authority. Response to the Qwest motion is due on or before January 5, 2005.

6. The Commission deemed this Application complete as of July 6, 2004. Absent Applicant’s waiver of the statutory time frame or a finding of extraordinary circumstances, a Commission decision in this matter should issue on or before February 1, 2005.

7. Given the current posture of the case, the Administrative Law Judge (ALJ) believes that the Commission will not be able to issue its decision in this matter on or before February 1, 2005. Therefore, pursuant to § 40-6-109.5(4), C.R.S., the ALJ will hold a hearing on January 5, 2005, to determine the existence of extraordinary conditions and whether to extend the time for Commission decision an additional 90 days.

II. ORDER

A. It Is Ordered That:

1. Hearing pursuant to § 40-6-109.5(4), C.R.S., shall be conducted in this matter on the following date and time and at the following place:

DATE: January 5, 2005
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, OL-2
Denver, Colorado

2. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge