

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayner  
Ken Nickolai  
Gregory Scott  
Marshall Johnson  
Phyllis Reha

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

MAY 20

To: Service List

SERVICE DATE: **MAY 19 2004**

DOCKET NO. P-421/C-03-616

In the Matter of a Request by Eschelon Telecom for an Investigation Regarding Customer Conversion by Qwest and Regulatory Procedures - Consideration of Whether this Case Should be Closed as Recommended by the Parties

The above entitled matter has been considered by the Commission and the following disposition made:

**The Commission accepts Qwest's filing of December 16, 2003, as supplemented on February 13, 2004, as establishing compliance with all terms of the Commission's orders of July 30 and November 12, 2003, with the exception of item (n), ordering paragraph 1, of the Order of November 12, 2003.**

**With respect to item (n), ordering paragraph 1, of the Order of November 12, 2003, the Parties disagree as to whether Qwest has complied with all terms of the Commission's Orders but they agree to close the matter with this issue unresolved. The Commission accepts this resolution.**

**This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).**

The Commission agrees with and adopts the recommendations of the Department of Commerce which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION

  
Paul W. Haar  
Executive Secretary

(S E A L)

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MINNESOTA PUBLIC UTILITIES COMMISSION

Docket No. UT-063061  
Exhibit RA-5  
September 29, 2006  
Page 2  
85 7th Place East, Suite 500  
St. Paul, Minnesota 55101-2198  
651.296.4026 FAX 651.297.1959 TTY 651.297.3067

April 30, 2004

Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, Minnesota 55101-2147

RE: In the Matter of the complaint by Eschelon Telecom regarding Customer Conversion by Qwest and Regulatory Procedures  
Docket No. P421/C-03-616

Dear Dr. Haar:

In its April 1, 2004 Order in the above referenced docket, the Commission directed Eschelon and Qwest to "file joint or individual reports on their attempts to develop compliance measures for item 1(n) of the November 12, 2004 recommendations for future Commission action."

On April 19, 2004, Eschelon Telecom filed a letter stating that it had been unable to reach any negotiated agreement with Qwest regarding this matter, and proposing to leave the matter unresolved at this time with the understanding that the parties do not agree on the issues resolution. In its letter, Eschelon submitted proposed language for inclusion in a Commission Order.

On April 20, 2004, Qwest submitted comments accepting Eschelon's proposal.

The Department of Commerce recommends adoption of Eschelon's proposed language, and recommends that this docket be closed without further Commission action.

Should you or Commission Staff have any questions regarding this matter, please contact me at 651/296-0399.

Sincerely,

SUSAN L. PEIRCE  
Rates Analyst

SP/ja