

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98A-300T

IN THE MATTER OF THE APPLICATION OF DIECA COMMUNICATIONS, INC.
REQUESTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO
PROVIDE LOCAL EXCHANGE TELECOMMUNICATION SERVICE ON A RESALE BASIS
IN THE STATE OF COLORADO; AND APPLICATION FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE SPECIFIED EMERGING COMPETITIVE
TELECOMMUNICATIONS SERVICES THROUGHOUT THE STATE OF COLORADO.

ORDER GRANTING MOTION

Mailed Date: September 25, 2003
Adopted Date: September 24, 2003

I. BY THE COMMISSION

A. Statement

1. On September 11, 2003, DIECA Communications, Inc., doing business as Covad Communications Company (Covad) filed a Motion for Extension of Time to File Effective Tariff and/or Price List Pursuant to 4 *Code of Colorado Regulations* (CCR) 723-25-6 (Motion).

2. On September 15, 1998, the Commission granted Covad a Certificate to Provide Local Exchange Services and a Certificate of Public Convenience and Necessity to Provide Emerging Competitive Telecommunications Services. *See* Decision No. C98-0857.

3. Covad is a facilities based provider of unregulated telecommunications services, namely xDSL in Colorado, and states in its Motion that it does not currently offer telecommunications services that are jurisdictional to this Commission.

4. Covad has not filed tariffs and/or a price list to provide either local exchange or emerging competitive telecommunications services in Colorado, other than private line services.

As a facilities based telecommunications provider, these tariffs and or price list would have been due from Covad on September 15, 2003 for local exchange services and are due no later than July 30, 2004 for emerging competitive services. The later date for the emerging competitive services is due to an extension of three years given to all providers that had not yet filed tariffs for authorized services prior to the transition to the new rules (4 CCR 723-25-6.1). The effective date of the revised telecommunications rules included in 4 CCR 723-25 was July 30, 2001.

5. Covad states in its motion that it has encountered technological difficulties that have delayed deployment of service but that it intends to offer competitive local exchange services within the next nine months. Covad requests a nine-month extension within which to file its local exchange telecommunications tariff and/or price list.

6. Covad has provided sufficient information for the Commission to take appropriate action relating to this matter.

II. ORDER

A. The Commission Orders That:

1. DIECA Communications, Inc., doing business as Covad Communications Company's Motion for Extension of Time to File Effective Tariffs and/or Price List Pursuant to 4 *Code of Colorado Regulations* 723-25-6 is granted. The company will have up until June 15, 2004 to file a tariff and at its option, a price list for local exchange telecommunications services.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 24, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners