

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-394T

IN THE MATTER OF THE APPLICATION OF LIGHTYEAR COMMUNICATIONS, INC.
FOR A LETTER OF REGISTRATION TO PROVIDE EMERGING COMPETITIVE
TELECOMMUNICATIONS SERVICES.

ORDER GRANTING LETTER OF REGISTRATION

Mailed Date: October 16, 2003
Adopted Date: October 15, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On September 11, 2003, Lightyear Communications, Inc. (Lightyear), filed a request for a Letter of Registration (LOR) to provide emerging competitive telecommunications services. 4 *Code of Colorado Regulations* (CCR) 723-25.

2. Specifically, Lightyear seeks a LOR to provide intrastate, non-optional operator services throughout the State of Colorado. Lightyear's request does not seek any specific form of relaxed regulation.

3. In Decision No. C95-1053, Lightyear, then known as UniDial, Inc., was granted a Letter of Registration for state-wide authority to provide non-optional operator services within the State of Colorado. The Letter of Registration was relinquished in Decision No. C01-340.

4. In Decision No. C00-502, Lightyear, then known as UniDial Communications, Inc., was granted a Certificate of Public Convenience and Necessity for state-wide authority to provide interLATA and intraLATA toll services within the State of Colorado.

5. In Decision No. C03-0645, Lightyear was granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and a LOR to provide emerging competitive telecommunications services, specifically advanced features, premium services, switched access, and jurisdictional private line. Current tariffs are on file with the Commission.

6. Notice of the application was posted on the Commission's web site on September 12, 2003. Interventions were due on or before October 2, 2003. None were filed.

B. Discussion

7. The Commission finds that this matter may be considered without a hearing pursuant to § 40-6-109(5), C.R.S.

8. Granting Lightyear's request is consistent with the legislative policy statements contained in § 40-15-101, C.R.S. Lightyear has stated sufficient grounds to warrant the approval of its request. Therefore, a LOR will be granted.

9. Providers of non-optional operator services are granted specific regulatory treatment, 4 CCR 723-18-5.3. This Order does not grant any other specific form of relaxed regulation.

II. ORDER

A. The Commission Orders That:

1. Lightyear Communications, Inc., is granted a Letter of Registration to provide intrastate, non-optional operator services throughout the State of Colorado. Lightyear shall not provide non-optional operator services in Colorado until: 1) the Commission approves its tariffs

or price lists for relevant services; and 2) the applicant complies with applicable Commission rules and any conditions established by Commission order.

2. Within three years of the Mailing Date of this Decision and Order, Lightyear Communications, Inc., shall file an advice letter containing a proposed tariff for the relevant services to become effective on not less than 30 days' notice and which shall include the relevant operator service rules (4 *Code of Colorado Regulations* 723-18-6). Lightyear Communications, Inc., may also file a separate price list with the tariff.

3. If Lightyear Communications, Inc., fails to file a tariff and price list pursuant to ordering paragraph 2 above, this Decision and Order shall be deemed null and void. For good cause shown, and if a proper request is filed within three years of the Mailing Date of this Decision and Order, the Commission may grant Lightyear Communications, Inc., additional time within which to file a tariff and price list.

4. Lightyear Communications, Inc., will be required to participate in the High Cost Support Mechanism and the Public Utilities Commission Fixed Utilities Fund. Lightyear Communications, Inc., shall participate in any other financial support mechanisms that may be created in the future to implement §§ 40-15-502(4) and (5), C.R.S. Failure to do so may result in revocation of the Letter of Registration.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 15, 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