

Decision No. C04-1287

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04C-559T

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IN THE MATTER OF THE INVESTIGATION OF COMPETITION IN COLORADO'S  
TELECOMMUNICATIONS MARKET.

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**ORDER TO SHOW CAUSE  
AND NOTICE OF HEARING**

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Mailed Date: November 19, 2004  
Adopted Date: November 17, 2004

**I. BY THE COMMISSION**

**A. Statement and Findings of Fact**

1. On September 1, 2004, through Decision No. C04-0984, the Commission distributed a survey on competition to all telecommunications providers subject to the Commission's jurisdiction. The survey was to be completed and returned to the Commission within 21 business days. The time to respond was later extended to October 15, 2004, through Decision No. C04-1115 (Mailed Date of September 27, 2004).

2. The Commission is authorized to request responses to such surveys pursuant to § 40-3-110, C.R.S., which states, "Every public utility shall furnish to the commission at such time and in such form as the commission may require a reporting which the utility shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information."

3. Those entities listed in Attachment A are telecommunications providers subject to the Commission's jurisdiction, were provided a copy of the survey as part of Decision No. C04-0984, and are required to provide answers to the survey in the manner prescribed by the

Commission. However, those entities listed in Attachment A have not provided answers to the survey as required.

4. On October 28, 2004, at the request of the Commission, Director Bruce N. Smith sent a letter to each of the listed providers. The letter informed each such provider that the Commission was considering initiating a show cause proceeding against the provider for failing to answer the survey in the manner required and allowed the provider ten days to comply with the reporting requirements.

5. Staff has reviewed its records and determined that, as of November 17, 2004, responses to the Commission's survey on competition have not been received from the companies listed in Attachment A.

6. The Commission finds that each of the telecommunications service providers listed in Attachment A may have failed to comply with the reporting requirements stated above. Accordingly, sufficient cause exists to conduct a hearing to determine the facts of the matter, to hear material arguments, to receive evidence and testimony, and to determine what order or requirement, if any, shall be imposed by the Commission.

7. If the Commission determines that it is appropriate to do so, the Commission may issue a decision including, but not limited to: a) an order that amends or revokes, wholly or in part, the company's certificate of public convenience and necessity to provide emerging competitive telecommunications service; b) an order that amends or revokes, wholly or in part, the company's registration to resell toll services; c) an order that requires the underlying local exchange service providers to disconnect the provider from the public switched network; and/or d) an order that requires any other corrective or remedial action which the Commission deems appropriate.

**II. ORDER**

**A. The Commission Orders That:**

1. Consistent with the above discussion, each entity listed in Attachment A shall appear before the Commission to show cause why the Commission should not take action and enter an order including, but not limited to, the actions discussed above.

2. This matter is set for hearing before an Administrative Law Judge:

DATE: December 2, 2004

TIME: 9:00 a.m.

PLACE: Colorado Public Utilities Commission  
Logan Tower, Office Level 2  
1580 Logan Street  
Denver, Colorado

3. If the investigation of competition survey is received in the name, address, and form required by the Commission prior to the hearing date, the Commission may dismiss that telecommunications service provider from the proceeding.

4. The Staff of the Public Utilities Commission shall file, at least five days before hearing: (1) two copies of a list containing the name, address, and title of each of its witnesses; and (2) two copies of each of the exhibits which it plans to present at the hearing. Copies of the witness list and exhibits shall be served upon all parties to the proceeding.

5. All entities listed in Attachment A shall file, at least five days before hearing: (1) two copies of a list containing the name, address, and title of each of its witnesses; and (2) two copies of each of the exhibits, which it plans to present at the hearing. Copies of the witness list and exhibits shall be served upon all parties to the proceeding.

6. No witness shall be permitted to testify nor shall any document be received in evidence, except in rebuttal, unless filed and served as provided in this Order.

7. If Staff of the Public Utilities Commission or any Attachment A entity fails to meet the above requirements, the Commission may dismiss the proceeding or any defense upon motion filed by any other party, unless good cause for non-filing is shown. No motion for continuance shall be granted if filed within five days before the first day of the hearing, except for good cause shown.

8. No exception to the procedure in the Order shall be made except upon timely motion showing good cause.

9. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 17, 2004.**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

CARL MILLER

Commissioners

@TRACJ COMMUNICATIONS, INC  
ACC National Long Distance Corp  
Acceris Communications Corp.  
Access Point, Inc.  
Accutel of Texas, Inc.  
Advanced Communications  
Airnex Communications  
AllCom USA, Inc.  
Alticomm, Inc.  
Amadeus Networks, LLC  
Ambria, Inc.  
AMERICA NET LLC  
American Com, LLC  
American Long Lines, Inc.  
American Telephone and Internet Company  
America's Digital Satellite Telephone, Inc.  
americas.com Incorporated  
Associated Network Partners, Inc.  
Association Administrators, Inc.  
Atlas Communications, Ltd  
BAK Communications, LLC  
Bee Line Long Distance, LLC d/b/a Hello Telecom  
Better World Telecom, Inc.  
Blackstone Communications Corporation  
BroadRiver Communication Corporation  
Business Savings Plan  
Choice Telco LLC  
Ciera Network Systems, Inc.  
City-Link Telecommunications Inc.  
Colorado Communications Network, Inc.  
Colorado Teleserv, Inc.  
Communicate Technological Systems LLC  
Communications Billing, Inc.  
ComTech21 LLC  
Connect America, Inc.  
Consolidated Billing Provider LLC  
Contact Communications, Inc.  
Cristel Telecom, Inc.  
CTC Communications Corp  
Custom Switching Technologies, Inc.  
Cypress Telecommunications Corp  
Cypress Telecommunications, Inc.

Dancris Telecom, LLC  
Dial-Thru, Inc.  
Digital Express Communication Corporation  
Digizip.com, Inc.  
Direct One, L.L.C.  
Direct Telephone Company, Inc.  
Discount Network Services Inc.  
Domino Networks Communications, Inc.  
Eastern Colorado Independent Networks LLC  
Eastern Telecommunications Incorporated  
ECI Communications, Inc.  
Econodial, LLC  
Elite Telephone Company, Inc.  
Empire One Telecommunications, Inc.  
Enkido, Inc.  
Equal Access Communications, LLC  
Exergy Group, LLC  
EZ Talk Communications, LLC  
Fast Phones, Inc.  
Fon Digital Network, Inc.  
FoxTel, Inc.  
Fundamental Holdings Corporation  
GCB Communications, Inc.  
Global Crest Communications, Inc.  
Globalcom, Inc.  
Group Long Distance, Inc.  
Houlton Enterprises  
IBGH Communications, LLC  
idea! Communications Group, Inc.  
ImaginetCommunications, LLC  
Impact Telecommuncations, Inc.  
Infonet Telecommunications Corporation  
Inmate Phone Systems Corp  
Interactive Communications Systems, Inc.  
International Exchange Communications, Inc.  
J & S Communications Consultants, LLC  
JirehCom, Inc.  
Kentec Communications, Inc.  
Kiger Telephone & Telephony, LLC  
Kouso Communications, LLC  
Mallcom Networks of Colorado, LLC  
McGraw Communications, Inc.  
Mercury Long Distance  
Metro Internet Assoc.  
Metropolitan Telecommunications of Colorado, Inc.  
Miko Telephone Communications, Inc.

MMG Holdings, Inc.  
Motion Telecom, Inc.  
Netlojix Telecom Inc.  
Network Communications International Corp  
Network US, Inc.  
NetworkIP, LLC  
New Age Electronics  
New Century DataCom, Inc.  
NobelTel, LLC  
NTERA, INC.  
OneStar Communications, LLC  
OneStar Long Distance, Inc.  
Optical Telephone Corporation  
Pannon Telecom, Inc.  
Power-Finder West Communications, LLC  
PSINET, INC.  
PT-1 Communications Inc.  
PT-1 Long Distance  
Quest Communications  
Reflex Communications, Inc.  
Resort Network Services, LLC  
Scott Savoie  
SelectPath of Colorado, Inc.  
Seren Innovations, Inc.  
ServiSense.com, Inc.  
Sigma Networks Telecommunications, Inc.  
SNiP Link, LLC  
Special Accounts Billing Group, Inc.  
TAC License Corp.  
TCPB Marketing Company, Ltd.  
Telec, Inc.  
TeleCents Communications, Inc.  
Telecom House, Inc.  
TelecomEZ Corporation  
Telecommunications Resources, Inc.  
Telegenius, Inc.  
Teleglobe USA Inc.  
Telemanagement Systems, Inc.  
Telmex USA LLC  
The Free Network, LLC  
TMC Communications of Delaware, Inc.  
Total Call International, Inc.  
Tri-M Communications, Inc.  
TVMAX Telecommunications, Inc.  
Upper Rio Grande Neighborhood Telecommunications, Inc.  
URJET Backbone Network, Inc.

US Fibercom, Inc.  
Utility Telephone, Inc.  
Vista Access, LLC  
VIVO-CO, LLC  
Voicecom Enterprises, Inc.  
Voicecom Telecommunications, LLC  
Vycera Communications, Inc.  
W2Com International, LLC.  
WDT World Discount Telecommunications Co.  
WebNet Communications, Inc.  
Western Communications Systems, Inc. d/b/a/ Wescomm  
Wideopenwest Colo, LLC  
World Communications Satellite Systems, Inc.  
Zone Telecom Inc.