

Decision No. R04-0790-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-524T

IN THE MATTER OF PROPOSED REPEAL AND RE-ENACTMENT OF RULES REGULATING TELEPHONE UTILITIES AND PROVIDERS AS FOUND IN 4 CCR 723-2, 4 CCR 723-7, 4 CCR 723-12, 4 CCR 723-13, 4 CCR 723-18, 4 CCR 723-22, 4 CCR 723-24, 4 CCR 723-25, 4 CCR 723-27, 4 CCR 723-28, 4 CCR 723-29, 4 CCR 723-30, 4 CCR 723-34, 4 CCR 723-38, 4 CCR 723-39, 4 CCR 723-40, 4 CCR 723-41, 4 CCR 723-42, 4 CCR 723-43, 4 CCR 723-44, 4 CCR 723-45, 4 CCR 723-46, 4 CCR 723-48, 4 CCR 723-49, 4 CCR 723-52, AND 4 CCR 723-53.

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

Mailed Date: July 16, 2004

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission issues this Supplemental Notice of Proposed Rulemaking regarding its rules regulating telephone utilities and providers. The intent of the proposed rules is to repeal and reenact with modifications the rules found at 4 *Code of Colorado Regulations* (CCR) 723-2, 4 CCR 723-7, 4 CCR 723-12, 4 CCR 723-13, 4 CCR 723-18, 4 CCR 723-22, 4 CCR 723-24, 4 CCR 723-25, 4 CCR 723-27, 4 CCR 723-28, 4 CCR 723-29, 4 CCR 723-30, 4 CCR 723-34, 4 CCR 723-38, 4 CCR 723-39, 4 CCR 723-40, 4 CCR 723-41, 4 CCR 723-42, 4 CCR 723-43, 4 CCR 723-44, 4 CCR 723-45, 4 CCR 723-46, 4 CCR 723-48, 4 CCR 723-49, 4 CCR 723-52, and 4 CCR 723-53.

2. The Commission previously issued a Supplemental Notice of Proposed Rulemaking (Notice) in this docket, specifically Decision No. C04-0142 (Mailed Date of February 6, 2004) published in the **March 12, 2004** edition of *The Colorado Register*.

That Notice scheduled rulemaking hearings in this case for August 23 through 27, 2004. On July 6, 2004, AT&T Communications of the Mountain States, Inc. and TCG Colorado (collectively AT&T) filed its Motion Requesting an Extension of Time to File Comments and Hold the Hearing in this docket. That motion requested that the Commission reset the procedural schedule in this matter, including the dates for hearing on the proposed rules. I now issue this Supplemental Notice of Proposed Rulemaking.

3. This order supplements Decision Nos. C03-1393 and C04-0142 only by modifying the procedural schedule. The intent of this proceeding (*i.e.*, to repeal and reenact Commission rules relating to telephone utilities and providers) is more fully described in Decision No. C03-1393. Interested persons should review Decision No. C03-1393 to become fully informed of the rulemaking proposals in this docket.

4. As stated in Decision No. C03-1393, the proposed repeal and reenactment of the Commission's telephone rules in this docket is part of a greater Commission effort to revise and recodify its current rules. The proposed repeal and reenactment is intended to update the existing rules related to telephone utilities and providers; to make the rules related to telephone utilities and providers consistent, to the extent possible, with other Commission rules; to improve administration and enforcement of relevant provisions of Title 40 of the Colorado Revised Statutes; to eliminate unnecessary or burdensome regulation; and to improve the regulation of proceedings before the Commission. A copy of the proposed rules to be considered in this docket is attached to Decision No. C03-1393.

5. The statutory authority for the proposed rules is found at §§ 6-1-905(3), C.R.S.; 29-11-106, C.R.S.; 39-32-105, C.R.S.; 40-2-108, C.R.S.; 40-3-101-103, C.R.S.; 40-3-104, C.R.S.; 40-3-111, C.R.S.; 40-4-101, C.R.S.; 40-15-108, C.R.S.; 40-15-112, C.R.S.;

40-15-201, C.R.S.; 40-15-202, C.R.S.; 40-15-203.5, C.R.S.; 40-15-208, C.R.S.; 40-15-302, C.R.S.; 40-15-502(5) and (6), C.R.S.; 40-15-503, C.R.S.; and 40-17-101-104, C.R.S.

6. Chairman Gregory Sopkin is designated the Hearings Commissioner in this case and will conduct a hearing on the proposed rules and related issues at the below stated time and place. Interested persons may submit written comments on the rules and present these orally at hearing, unless the Hearings Commissioner deems oral presentations unnecessary. The Commission also encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before hearing, the Commission requests that such comments be filed no later than July 30, 2004. Reply comments should be submitted by August 13, 2004. The Commission requests that interested persons submitting comments do so both in paper and electronic format. The Commission may post electronically submitted comments to its web site. The Commission will consider all submissions.

7. Because the proposed rules will result in the repeal of the Commission's existing rules regulating telephone utilities and providers, interested persons may also submit comments regarding whether specific provisions in the presently existing rules should be retained in the reenacted rules.

8. Coordination of this rulemaking with other planned rulemaking proceedings for Practice and Procedure, Gas, Transportation, Electric, Steam, Railroads, and Water is a sizeable undertaking. Because of the need to coordinate all efforts, the Commission finds that hearings in this matter should consider: (a) coordination of efforts among the various other ongoing or planned rulemaking proceedings; and (b) whether future hearing dates should be set for that purpose.

II. ORDER**A. It is Ordered That:**

1. This Supplemental Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the August 10, 2004 edition of *The Colorado Register*.

2. A hearing on the proposed rules and related matters shall be held before the Hearings Commissioner as follows:

DATE: September 20, 2004
TIME: 9:00 a.m.
PLACE: Commission Hearing Room A
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

Hearings shall continue only as necessary on September 21 through 24, 2004. At the times set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Hearings Commissioner deems oral comments unnecessary. At the hearings referenced above, the Hearings Commissioner may set further hearing dates to continue the discussion and comment. Interested persons may file written comments in this matter before the hearing. The Commission requests that such prefiled comments be submitted in both paper and electronic format no later than July 30, 2004. Reply comments should be submitted by August 13, 2004. The Commission will consider all submissions, whether oral or written.

3. This Order is effective upon its Mailed Date.

(SEAL)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

Hearing Commissioner

ATTEST: A TRUE COPY

A handwritten signature in black ink that reads "Bruce N. Smith".

Bruce N. Smith
Director