

Decision No. C05-1462

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 05R-527T

RULES RELATING TO THE DEREGULATION OF INTRALATA INTEREXCHANGE
TELECOMMUNICATIONS SERVICES.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: December 14, 2005

Adopted Date: December 14, 2005

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (Commission) gives notice of proposed rulemaking (NOPR) regarding the permanent implementation of emergency rules that were adopted in Docket No. 05R-440T on October 19, 2005. The intent of the emergency rules was to allow providers of intraLATA interexchange carriers to deregulate these services in accordance with § 40-15-306, C.R.S. The emergency rules were delineated as 4 *Code of Colorado Regulations* (CCR) 723-38-10 and were adopted pursuant to Commission Decision No. C05-0802 in consolidated Docket Nos. 04A-411T and 04D-440T. We previously adopted emergency rules to implement the Commission's decision in the consolidated dockets; we now issue this NOPR to adopt permanent rules, in the format pursuant to Docket No. 03R-524T. This rule will now be rule 4 CCR 723-2-2210 also in the format pursuant to Docket No. 03R-524T.

2. Generally, the purpose of the adoption of the permanent rules relating to the deregulation of intraLATA toll services is to establish the procedure for affected telecommunications carriers to apply for the deregulation of intraLATA toll services.

3. In Decision No. C05-1261, effective October 19, 2005, we adopted the rule as an emergency rule because we found immediate adoption necessary to implement our holdings in Decision C05-0802. We now issue this NOPR in order to make the emergency rule permanent. The rules we promulgate here are identical to the emergency rules in effect pursuant to Decision No. C05-1261 with one exception. In section (a) (IV) of the rule we modify the compliance filing requirement to be on not less than fourteen-days notice rather than one-days notice.

4. The Commission will conduct a hearing on the proposed rules at the below stated time and place. Interested persons may submit written comments on these proposed rules and present these orally at hearing, unless the Commission 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 the hearing, such comments shall be filed no later than January 4, 2006. The Commission may post electronically submitted comments to its web site. The Commission will consider all submissions.

5. A copy of Rule 2210 Deregulation of IntraLATA Toll Rule is attached to this notice of proposed rulemaking as Attachment A. The statutory authority for the proposed Rules is found at § 24-4-103, §§ 40-2-108, 40-3-102, and 40-15-302(5) C.R.S.

6. It is our intent that these proposed rules, when made permanent, supercede the recodified rules that are the subject of Docket No. 03R-524T. To facilitate this, we have drafted the rule language in Attachment A in the format that is contemplated for the recodified rules. We also note that to the extent these rules conflict with the recodified, repealed and re-enacted telecommunications rules in Docket No. 03R-524T, these rules shall supersede those recodified, repealed and re-enacted rules.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the January 10, 2006 edition of *The Colorado Register*

2. The permanent rules shall become effective on April 1, 2006

3. A hearing on the proposed rules shall be held as follows:

DATE: January 30, 2006

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

At the hearing referenced above, the Commission may set further hearing dates to continue the discussion and comment.

4. Interested persons may file written comments in this matter before the hearing. The Commission requests that such prefiled comments be submitted no later than January 4, 2006. The Commission will consider all submissions.

5. This order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 14, 2005.**

(SEAL)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

CARL MILLER

Commissioners

2210. Deregulation ~~Of~~ IntraLATA Interexchange Telecommunications Services.

To apply for deregulation of intraLATA interexchange telecommunications services (intraLATA toll services), pursuant to ~~Section §~~ 40-15-306 C.R.S., a provider shall file an application with the Commission. The applicant may complete the Commission-issued application form, or may file a separate pleading with the information and documentation set forth below.

- (a) Contents of Application. The Application shall contain the following information:
- (I) Applicant's name, complete mailing address (street, city, state and zip code), telephone number, and the name(s) under which the applicant is providing intraLATA toll services in Colorado, the name of the person filing the application, the representative's title or relationship to the Applicant and e-mail address of the representative;
 - (II) Name, mailing address, telephone number and e-mail address of the person to contact for questions about the application;
 - (III) Commission Decision number- ~~which that~~ granted the Applicant the authority to provide intraLATA toll services (~~the Decision~~ ~~which that~~ granted a CPCN and/or LOR, whichever is applicable);
 - (IV) Whether the Applicant provides toll service on a resale basis from another facilities-based provider;
 - (V) Whether the Applicant has effective tariffs on file with the Commission for the offering of intraLATA toll;
 - (VI) Acknowledgement that within ~~40~~ten days of Commission approval to deregulate the Applicant's intraLATA toll authority, the Applicant shall make a compliance filing(s) in the form of an Advice Letter and/or Transmittal Letter (whichever is applicable), effective on not less than ~~14-days~~ ~~one-days~~ notice, to modify its effective tariff and/or price list by deleting all reference to intraLATA toll offerings or identify intraLATA toll offerings as deregulated by the Commission; and
 - (VII) An affidavit signed by an officer, partner, owner, or employee, as appropriate, who is authorized to act on behalf of the Applicant, stating that the contents of the application are true, accurate, and correct and that the Applicant will fully comply with all of the requirements in the Decision which grants the authority to deregulate its intraLATA toll services.

2211. Combined Applications.

An applicant may file an application for an alternative form of regulation, an application for reclassification, and/or an application for deregulation, in combination with any other application, e.g., an application for a CPCN. In a combined application, the applicant shall provide all information required for each component of the combined application.