

Decision No. C05-1463

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 05R-528T

RULES RELATING TO THE DEREGULATION OF INTERLATA INTEREXCHANGE
TELECOMMUNICATIONS SERVICES FOR TELECOMMUNICATIONS SERVICE
PROVIDERS AND TELEPHONE UTILITIES.

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-509T, Decision No. C05-1428, on December 7, 2005. The intent of the emergency rules was to affirm that interLATA toll services are no longer regulated for any provider of such services. in accordance with § 40-15-305, C.R.S. The emergency rules were delineated as 4 *Code of Colorado Regulations* (CCR) 2-2170 in the format pursuant to Docket No. 03R-524T 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, 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 interLATA toll services is to affirm that interLATA toll services are no longer regulated by this Commission.

3. In Decision No. C05-1428, effective December 7, 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. C05-1428 with one exception. In section (a) of the rule we added a compliance filing requirement to delete any rates, terms and conditions regarding interLATA toll services shall be on not less than fourteen-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 2170 Deregulation of InterLATA Toll Rule is attached as Attachment A to this notice of proposed rulemaking. 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, to the extent they conflict with the recodified, repealed and reenacted telecommunications rules, shall supercede the recodified repealed and re-acted telecommunications rules that are the subject of Docket No. 03R-524T. To facilitate this, we have drafted the rule language in Attachment A with the format that is contemplated for the recodified 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. These 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

Operator Services and Interexchange Telecommunication Services

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to identify and describe operator services that are subject to Commission regulation; to distinguish operator services subject to the Commission's jurisdiction from those not subject to the Commission's jurisdiction; to prescribe the regulatory treatment of jurisdictional services; and to identify alternative forms of regulatory treatment for such services and providers when appropriate.

The statutory authority for the promulgation of these rules is found at §§ 40-3-101; 40-15-112; 40-15-113; 40-15-201; 40-15-301(1) and (2)(g); 40-15-302(1)(a) and (5); and 40-2-108, C.R.S.

2170. Interexchange Telecommunications Services.

- (a) InterLATA interexchange telecommunications services are not regulated by the Commission except as provided for in §§ 40-15-112 and 40-15-113 C.R.S. Upon the effective date of this rule, all providers of such services shall file a notice of compliance on not less than 14-days notice, to remove all rates, terms and conditions for interLATA toll services from their tariffs and/or price lists, if applicable.
- (b) Pursuant to § 40-15-306, C.R.S., intraLATA interexchange telecommunications services are regulated by the Commission unless a provider of such services has filed an application for deregulation and that application has been approved by the Commission. See Rule 2210 of the Commission's rules regarding the deregulation of intraLATA interexchange telecommunications services.

2171. – 2179. [Reserved].