

Decision No. C06-0729

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 06R-361T

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

ORDER ADOPTING EMERGENCY RULES

Mailed Date: June 23, 2006

Adopted Date: June 22, 2006

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for adoption of emergency rules relating to the deregulation of interLATA interexchange telecommunications services (interLATA toll services) for telecommunications services providers and telephone utilities 4 *Code of Colorado Regulations* (CCR) 723-2-2170, pursuant to Commission Decision No. C05-0802 in consolidated Docket Nos. 04A-411T and 04D-440T. For the reasons set forth in this Decision, we now adopt on an emergency basis (*i.e.*, without compliance with the rulemaking requirements for permanent rules set forth in § 24-4-103, C.R.S.) the emergency rules attached to this Decision.

2. The Commission is in the process of promulgating permanent rules in Docket No. 05R-528T, which will not be in effect prior to the expiration of the emergency rules currently in effect (adopted in Decision No. C05-1428). These emergency rules will expire on July 5, 2006. Generally, the purpose of the rules adopted by this Decision is to affirm that interLATA toll services are no longer regulated for any provider of such service. Section 40-15-305, C.R.S.

allows for the deregulation of specific emerging competitive telecommunications services upon a finding that effective competition exists in the relevant market for such service and that deregulation will promote the public interest. We made such specific statutory findings in Decision No C05-0802.

3. New rule 2170 (a) states that interLATA toll services are not regulated by the Commission except as provided for in § 40-15-112, C.R.S. (relating to the slamming of a customer's chosen provider of telecommunications services) and § 40-15-113, C.R.S. (relating to unauthorized charges placed on a customer's bill), and includes the requirements for acknowledging the deregulation of interLATA toll services and requirements for a compliance filing to remove rates, terms and conditions from a provider's tariff/price list or identifying these services as deregulated by the Commission.

4. New rule 2170 (b) references emergency rule 2210, adopted in Decision No. C06-0527 on May 10, 2006, regarding the process for applying for deregulation of intraLATA interexchange telecommunications services by a provider of such services.

5. We note that there are some minor text and administrative process changes to the current emergency rules that we adopted in Decision No. C05-1428. The substantive change to the emergency rules contained in Decision No. C05-1428 relates to the manner in which providers must file a notice of acknowledgment of the deregulation of interLATA toll services and the compliance filing requirement following the notice of compliance on not less than 14-days notice. These changes are made in order to provide a clear understanding of the requirements for such deregulation.

6. As grounds for these findings, we state: It is necessary and appropriate to adopt these rules on an emergency basis to ensure that interLATA toll continues to remain deregulated

in Colorado until such time that permanent rules become effective. We adopt the attached rules on an emergency basis in accordance with the provisions of § 40-15-306, C.R.S. and § 24-4-103(6), C.R.S. We also note that to the extent these rules conflict with the repealed and re-enacted telecommunications rules in Docket No. 03R-524T, these rules shall supersede those repealed and re-enacted rules.

7. The statutory authority for promulgation of these rules is set forth in §§ 24-4-103(6), 40-2-108, and 40-4-101, C.R.S. The rules attached to this order shall be effective immediately upon the mailed date of this Decision, and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

II. ORDER

A. The Commission Orders That:

1. Emergency Rule 2170 appended to this Decision as Attachment A is hereby adopted as an emergency rule consistent with the above discussion.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 22, 2006.**

(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 acknowledgement of the deregulation of such services with the Director of the Commission and within 10 days of filing the notice, shall file an Advice Letter and/or Transmittal Letter 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, or identify interLATA toll offerings as deregulated by the Commission.
- (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 Rrule 2210 of the Commission's rules regarding the deregulation of intraLATA interexchange telecommunications services.

2171. – 2179. [Reserved].