

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20U-0532T

IN THE MATTER OF THE PETITION FOR THE DECLARATION OF BRESNAN BROADBAND OF COLORADO LLC OF INTENT TO SERVE WITHIN TERRITORY OF RURAL TELECOMMUNICATIONS PROVIDERS.

COMMISSION DECISION GRANTING PETITION

Mailed Date: January 6, 2021
Adopted Date: January 6, 2021

I. BY THE COMMISSION

A. Statement

1. On December 2, 2020, Bresnan Broadband of Colorado, LLC (Bresnan), filed a petition stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider (Petition) pursuant to Rules 2003(a)(III) and 2107 of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2.

2. Bresnan Broadband of Colorado, LLC intends to offer the provision of Private Line, local interconnection and non-interconnected VoIP providers. Bresnan will need local trunks to interconnect with the local exchange providers. The services to be provided are identified by Bresnan as located in the serving territories of CenturyTel of Eagle, Inc. d/b/a CenturyLink and Delta County Tele-Comm Inc., with the intention to provide these services respectively in the Rangely and Paonia exchanges.

3. On December 9, 2020 a notice of the petition was provided to all persons, firms, or corporations, interested in or affected by the grant or denial of the requested relief. Interventions were due on or before January 4, 2021. Bresnan has represented in its Petition that it has directly

notified CenturyTel of Eagle and Delta County Tele-Comm Inc., the rural incumbents affected, by first class mail, of their Declaration of Intent to Serve. This is a requirement to Rule 2107.

4. No petition to intervene or notice of intervention has been filed, and thus the Petition is uncontested. Accordingly, the Petition will be determined without a formal hearing in accordance with § 40-6-109(5), C.R.S., and Rule 1403 of the Rules of Practice and Procedure, 4 CCR 723-1.

B. Discussion

5. The service territory of CenturyTel of Eagle, Inc. is currently open to competitive providers and competition. The service territory of CenturyTel of Eagle, Inc. is also subject to competition as demonstrated with interconnection agreements (including Proceeding Nos. 03T-066 Verizon; 05T-251 Colorado & Global and 08T-087 Zippy Tech).

6. The service territory of Delta County Tele-Comm Inc. is currently open to competitive providers and competition. The service territory of Delta County Tele-Comm Inc. is also subject to competition as demonstrated with interconnection agreements (including Proceeding Nos. 01T-128 REANet and 02T-144 Sprint).

7. Bresnan was granted a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications by Decision No. R06-0867, in Proceeding No. 06A-125T, effective date of July 26, 2006.

8. In 2014, the General Assembly passed telecom deregulation legislation that reclassified many services into Part 4 of Title 40, Article, 15. *See* § 40-15-401, C.R.S. Subject to certain exceptions, including those for basic service as provided in § 40-15-401(1)(b), C.R.S., products, services, and providers listed in § 40-15-401, C.R.S. (Part 4), “are exempt from regulation under this article or under the ‘Public Utilities Law’ of the state of Colorado.” § 40-15-401(1), C.R.S. Section 402 also emphasizes the deregulatory status of services listed in

section 401, by stating: “Nothing in articles 1 to 7 of this title [40] or parts 2 and 3 of this article [15] shall apply to deregulated services and products pursuant to this part 4.” § 40-15-402(1), C.R.S.

9. We acknowledge that Bresnan’s services are no longer regulated under Part 2 of § 40-15-201, C.R.S., but Bresnan is requesting approval of its intent to serve pursuant to Rule 2107 adopted September 1, 2017. The Commission, by this Decision, is not asserting jurisdiction over Bresnan’s services.

10. The Commission updated its existing telecommunications rules to be consistent with the 2014 Telecommunications Reform Legislation. *See* Proceeding No. 16R-0453T. The 2014 Telecommunications Reform Legislation made changes that no longer require Commission authorization (a CPCN) to offer deregulated local exchange service.

11. The Federal Telephone Numbering Administrator that assigns the thousand block pooling of numbers to providers, requires that the Company provide state commission approval as part of its required documentation to obtain telephone numbers to offer competitive services in rural areas. Bresnan’s require the NPA-NXX-x blocks in each of the rate centers listed above in order to provide its VoIP product offerings. The Commission will consider Bresnan’s Petition but affirms that it does not assert any jurisdiction over deregulated services of local exchange services. The Company intends to provide these services in the Rangely and Paonia exchanges.

12. We find that granting Bresnan’s Petition is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S., the Telecommunications Act of 1996, 47 U.S.C. § 251, and with the public interest in Bresnan to provide competitive services in the requested rural exchanges.

II. ORDER

A. The Commission Orders That:

1. The Petition filed by Bresnan on December 2, 2020 stating its Declaration of Intent to Serve Within the Territory of Rural Telecommunications Providers to serve in the Rangely and Paonia exchanges is granted. Notwithstanding the granting of the Petition, the Commission is not exerting jurisdiction over Bresnan Broadband of Colorado, LLC’s services.

2. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
January 6, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN C. GAVAN

MEGAN GILMAN

_____ Commissioners