

Decision No. C21-0207

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0086T

IN THE MATTER OF THE APPLICATION OF CLEARNETWORKX, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) TO PROVIDE
PART IV SERVICES (4 CCR 723-2-2103).

DECISION GRANTING APPLICATION

Mailed Date: April 9, 2021
Adopted Date: April 7, 2021

I. BY THE COMMISSION

A. Statement

1. By this Decision, we grant the application of Clearnetworkx, LLC (Clearnetworkx) for a Certificate of Public Convenience and Necessity (CPCN) to provide Part IV services in Colorado, as discussed below.

B. Background

2. On February 25, 2021, Clearnetworkx filed an Application for a CPCN to provide Part IV services. Specifically, Clearnetworkx, seeks to provide Voice over Internet Protocol and broadband service throughout the State of Colorado, pursuant to Rule 2103 of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2.

3. On February 26, 2021, notice of the Application was provided to all persons, firms, or corporations interested in or affected by the grant or denial of the request. Interventions were due on or before March 29, 2021. No interventions were received in this proceeding.

4. On March 22, 2021, Clearnetworx filed an amended application and corrected financial statements.

C. Discussion

5. No one has filed an intervention opposing the Application. We therefore find that the Application is unopposed and consider it without a formal hearing pursuant to § 40-6-109(5), C.R.S.

6. The Commission modified its Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 CCR 723-2 (Proceeding No. 16R-0453T, with an effective date of September 1, 2017). The modified rules allow providers offering Part IV services under § 40-15-401, C.R.S., to apply to the Commission to obtain a CPCN. No CPCN is required for services classified in Part IV of Article 15 of Title 40 of the Colorado Revised Statutes.

7. Clearnetworx has submitted the required most recent audited balance sheet, income statements, and statements of retained earnings as required by Rule 2103 (a)(IX).

8. With the issuance of this authority, Clearnetworx must comply with all statutory and regulatory requirements pursuant to Rule 2103(a)(XVI), 4 CCR 723-2.

II. ORDER

A. The Commission Orders That:

1. Clearnetworx, LLC is granted a Certificate of Public Convenience and Necessity to provide Part IV services on a statewide basis.

2. Clearnetworx, LLC is not required to create and provide tariffs to the Commission.

3. Clearnetworx, LLC shall not unjustly discriminate among customers in the same class of service, per Commission Rule 4 *Code of Colorado Regulations* 723-2-2103.

4. Consistent with terms and conditions established in previous Commission decisions, Clearnetworx, LLC will be required to contribute, as prescribed by statute, rule, or order of the Commission, based on the entirety of its intrastate services regardless of the technology, to the Public Utilities Commission's Telecommunications Utilities Fund, the Colorado High Cost Support Mechanism, the Colorado Telephone Users Disabilities Fund, the Statewide 9-1-1 Surcharge Trust Cash Fund, and other financial support mechanisms that may be created in the future by the Commission to implement §§ 4015-502(4) and (5), C.R.S.

5. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

6. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 7, 2021.**

(S E A L)



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

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners