

Decision No. C04-0314

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-078T

IN THE MATTER OF THE APPLICATION OF CHARTER FIBERLINK CO - CCO, INC.,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES AND FOR A LETTER OF
REGISTRATION TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS
SERVICES.

ORDER GRANTING APPLICATION

Mailed Date: March 30, 2004
Adopted Date: March 24, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On February 23, 2004, Charter Fiberlink CO-CCO, Inc. (Charter Fiberlink), filed an application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and a Letter of Registration to provide emerging competitive telecommunications services ~~and a Letter of Registration to provide emerging competitive telecommunications services~~ throughout the State of Colorado. 4 Code of Colorado Regulations (CCR) 723-25-4.

2. Notice of the application was posted on the Commission's web site on February 24, 2004. Interventions were due on or before March 15, 2004. None were filed.

3. On March 11, 2004, Charter Fiberlink filed responses to questions posed by Staff of the Colorado Public Utilities Commission (Staff). Those responses completed the initial application.

B. Discussion

4. The application filed by Charter Fiberlink was completed with Charter Fiberlink CO-CCO, Inc., as the applicant's legal name. Staff points out that the legal name of the company is actually Charter Fiberlink CO-CCO, LLC. Staff discovered the error in its review of the additional materials provided with the application, and Staff confirmed with the Company that the company is a Limited Liability Company and not a corporation. Charter Fiberlink has been certified by the State of Colorado to do business as Charter Fiberlink CO-CCC, LLC.

~~4. On January 28, 2004 Staff received supplemental information to the initial application. Staff has reviewed the information and has no concerns with the information provided by Working Assets.~~

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5. -The application is unopposed and may be considered without a hearing. § 40-6-109(5), C.R.S.

6. Granting the application of Charter Fiberlink is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.

7. Before providing local exchange services and emerging competitive services, Charter Fiberlink must: (1) have effective tariffs for its services on file with the Commission; and (2) comply with all statutory and regulatory requirements applicable to telecommunications providers subject to the jurisdiction of the Commission. 4 CCR 723-25-4.1.10.

II. ORDER**A. The Commission Orders That:**

1. Charter Fiberlink CO-CCO, LLC's application is deemed complete.

2. Charter Fiberlink CO-CCO, LLC is granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services. A detailed description of the applicant's service territory will be delineated in the local exchange maps filed with the tariff.

3. Charter Fiberlink CO-CCO, LLC's local exchange telecommunications services and emerging competitive telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations (CCR) 723-38*.

4. Charter Fiberlink CO-CCO, LLC, is granted a Letter of Registration to provide the following emerging competitive telecommunications services throughout the State of Colorado: advanced features; interLATA toll; intraLATA toll; premium services; jurisdictional private line services; non-optional operator services; and switched access.

5. Charter Fiberlink CO-CCO, LLC's emerging competitive telecommunications services, with the exception of non-optional operator services, will be regulated under the default regulatory scheme contained in 4 CCR 723-38.

6. Charter Fiberlink CO-CCO, LLC's non-optional operator services will be regulated under the default regulatory scheme contained in 4 CCR 723-18.

~~4.7.~~ Charter Fiberlink CO-CCO, LLC, shall serve customers in its service territory on a non-discriminatory basis. "Service territory" shall be defined as that portion of Colorado included in the local exchange maps provided with the applicant's tariffs. However, Charter Fiberlink CO-CCO, LLC shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

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~~5-8.~~ Unless the Commission orders otherwise, Charter Fiberlink CO-CCO, LLC shall begin providing local exchange and emerging competitive services within three years after the grant of this Certificate of Public Convenience and Necessity and Letter of Registration. 4 CCR 723-25-6.

~~6-9.~~ Before commencing operations under this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and Letter of Registration to provide emerging competitive telecommunications services, Charter Fiberlink CO-CCO, LLC, shall file an Advice Letter containing local exchange maps, local calling areas, and a proposed tariff to become effective on not less than 30 days' notice. 4 CCR 723-1-41. Charter Fiberlink CO-CCO, LLC may also file a separate price list with the proposed tariff.

~~7-10.~~ If Charter Fiberlink CO-CCO, LLC, fails to file an effective tariff within three years from the Mailing Date of this Order, this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and this Letter of Registration to provide emerging competitive telecommunications services shall be deemed null and void. For good cause shown, and if a proper request is filed within three years of the Mailing Date of this Order, the Commission may grant Charter Fiberlink CO-CCO, LLC, additional time within which to file a tariff.

~~8-11.~~ In accordance with the Commission's Rules of Practice and Procedure, Charter Fiberlink CO-CCO, LLC, will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles. 4 CCR 723-1-25(c).

~~9-12.~~ Consistent with terms and conditions established in previous Commission decisions, Charter Fiberlink CO-CCO, LLC, will be required to contribute to the Public Utilities

Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, the Emergency Telephone Access Act Program (Low Income Fund) if applicable, and other financial support mechanisms that may be created in the future by the Commission to implement §§ 40-15-502(4) and (5), C.R.S.

~~10.13.~~ This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 24, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners