

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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THE APPLICATION OF U.S. LONG)	
DISTANCE, INC., FOR A CERTIFICATE)	DOCKET NO. 92A-744T
OF PUBLIC CONVENIENCE AND)	
NECESSITY AS A PART 3 SERVICE)	COMMISSION ORDER GRANTING
PROVIDER IN ACCORDANCE WITH § 40-)	CERTIFICATE OF PUBLIC
15-301, C.R.S.)	CONVENIENCE AND NECESSITY

Mailed Date: March 2, 1993
Adopted Date: February 24, 1993

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. This application was filed by U.S. Long Distance, Inc. (USLD or "Applicant"), in accordance with § 40-15-301(2), C.R.S., and Rule 3 of the Commission's Rules Regulating Emerging Competitive Telecommunications Service Providers, (Part Three Rules) found at 4 CCR 723-24. A supplement to the application was filed on January 21, 1993.
2. Applicant applied for a Certificate of Public Convenience and Necessity ("CPCN") in order to provide services subject to the jurisdiction of this Commission. Specifically, Applicant seeks authority to provide intrastate, non-optional operator services throughout the State of Colorado under § 40-15-301 and § 40-15-102(20), C.R.S., and the Commission's Rules Regulating Operator Services for Telecommunications Service Providers and Telephone Utilities, (Operator Service Rules) 4 CCR 723-18. Applicant has not applied for authority to provide any other telecommunications services subject to the jurisdiction of this Commission. Applicant is not, as part of this application, seeking relaxed regulation.
3. Applicant states that it will offer non-optional operator services to the general public. These services will be provided throughout the State of Colorado on an intraLATA (including local operator-assisted services) and interLATA basis.

4. The Commission issued notice of this application on December 31, 1992. On January 28, 1993, Jones Lightwave of Denver ("Jones") filed an Entry of Appearance and Notice of Intervention pursuant to Rule 64(a), and alternatively, Motion to Intervene pursuant to Rule 64(b) of the Commission's Rules of Practice and Procedure, in the application of USLD. On February 16, 1993, Jones filed a Notice of Withdrawal of Intervention. Thus, this matter may be decided without a hearing, as provided in § 40-6-109(5), C.R.S.

5. Applicant requests a waiver of Cost Allocation Rules for Telecommunications Service Providers and Telephone Utilities (Cost Allocation Rules) 4 CCR 723-27, Rule 4 which requires providers to use the Uniform System of Accounts as per 47 CFR Parts 32 and 36. Instead, Applicant requests that it keep its books according to the Generally Accepted Accounting Principles ("GAAP").

6. Applicant requests a waiver of the requirement to file a cost segregation manual. This will be construed by the Commission as a request for waiver of Rule 9, 4 CCR 723-27. Applicant seeks relief from the requirement to file segregated financial statements. Likewise, the Commission will treat this as a request for waiver of Rule 10, 4 CCR 723-27.

7. Applicant seeks a waiver of the requirements promulgated under 4 CCR 723-27, Rules 3 through 14, in their entirety.

8. Applicant seeks authority to maintain its books and records outside the State of Colorado. This will be treated as a waiver of Rule 3 of Rules Regulating Telecommunications Service Providers and Telephone Utilities (Quality of Service Rules) 4 CCR 723-2. Instead, Applicant seeks to maintain its books and records at its principal place of business in San Antonio, Texas.

FINDINGS OF FACT

1. The Applicant is a Texas corporation authorized to do business in Colorado since June 21, 1991, and will conduct business in Colorado under the name of "U.S. Long Distance, Inc." or "USLD".

2. Applicant's non-optional services will be offered to the general public. Applicant does not intend to offer any other services subject to the jurisdiction of this Commission.

3. The services to be offered are non-optional operator services provided throughout the State of Colorado on an intraLATA (including local operator-assisted services) and an interLATA basis.

4. Included in the application is the aforementioned request for permission to maintain books and records according to GAAP in lieu of 47 CFR Parts 32 and 36, and Rule 4 of 4 CCR 723-27. Such a request is consistent with the public interest.

5. The Applicant also requests a waiver of the requirement to file a cost segregation manual and the requirement to file segregated financial statements, and Rules 3 through 14 of the Commission's Cost Allocation Rules, 4 CCR 723-27, in their entirety. Such a request is consistent with the public interest.

6. The request to maintain books and records outside the State of Colorado, i.e., a waiver of Rule 3 of the (Quality of Service Rules) Rules Regulating Telecommunications Service Providers and Telephone Utilities, 4 CCR 723-2, is subject to the provisions of § 40-6-107, C.R.S. Applicant shall maintain its books and records at its principal place of business in San Antonio, Texas. Such a request is consistent with the public interest. Applicant shall inform the Commission immediately upon any change in the location of these books and records.

7. Upon certification, the Applicant will be subject to all statutes and rules promulgated by the Commission. A list of these current Commission rules is presented as Attachment B.6 to the Part 3 Provider Information Package mailed to all known operator service providers. Applicant is strongly encouraged to obtain copies of all these rules.

8. The application complies with 4 CCR 723-24, Rule 3. Thus, the Applicant has stated sufficient grounds to warrant the approval of its application as discussed herein above. The Commission finds the issuance of a CPCN, under the conditions outlined above will be consistent with the legislative intent stated in § 40-15-101, C.R.S. Consequently, a CPCN will be issued.

9. No specific form of relaxed regulation shall be granted as a result of this order.

THEREFORE THE COMMISSION ORDERS THAT:

1. The application filed by U.S Long Distance, Inc., is approved under the condition specified hereinabove. U.S. Long Distance, Inc., is granted a Certificate of Public Convenience and Necessity to provide non-optional operator services in accordance with Rule 3 of the Commission's Rules Regulating Emerging Competitive Telecommunications Service Providers found at 4 CCR 723-24. U.S. Long Distance, Inc., does not receive any form of relaxed regulation as a result of this Order. This Order shall serve as the Certificate of Public Convenience and Necessity for statewide authority to provide non-optional operator services only, as described herein.

2. U.S. Long Distance, Inc., must file a tariff within 30 days of the mailed date of this Order. The tariff shall include, at a minimum, appropriate tariff sheets stating rates, relevant Operator Service Rules, and other regulations as required by the rules of this Commission, citation of this Decision as its authority, and, the name of a customer-complaint contact person. In support of this tariff, appropriate cost support must be included in that filing.

3. This grant of authority is subject to compliance by U.S. Long Distance, Inc., with all present and future rules, regulations, and other procedures of the Commission except as outlined above. Specifically:

- A. The waiver of Cost Allocation Rule 4 is granted. Applicant is not required to maintain its books and records according to 47 CFR, Parts 32 and 36. Applicant may maintain its books and records according to Generally Accepted Accounting Principles, absent USOA.
- B. The waiver of 4 CCR 723-27 in its entirety is granted. The Applicant is not required to file a cost segregation manual or to file segregated financial statements as required in Rule 10 of 4 CCR 723-27. Should the Applicant begin to offer deregulated services in Colorado, the Applicant will inform the Commission and the waiver may need to be reevaluated, and possibly rescinded.

The Applicant is required to comply with all other Commission required reporting requirements, including but not limited to an acceptable annual report as required under Rule 25 of the Rules of Practice and Procedure. Should the Applicant be unable to do so, these waivers will be rescinded.

4. The waiver of the requirement to maintain books and records in Colorado is granted subject to the provision that the Applicant will produce its books and records to the Commission upon request as required by § 40-6-107, C.R.S. Applicant is authorized to maintain its books and records at its principal place of business in San Antonio, Texas, and immediately will inform the Commission of any change in the location at which these documents are maintained. Any expenses associated with such production will be borne by the Applicant. Should the Applicant be unable to do so, this waiver will be rescinded.

5. No specific form of relaxed regulation is granted by this Order.

6. The 20-day time period provided in § 40-6-114(1), C.R.S., to file an application to the Commission for rehearing, reargument, or reconsideration, begins on the day after the mailed date of this Decision.

This Decision is effective on its Mailed Date.

ADOPTED IN OPEN MEETING February 24, 1993.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Semmer

Christine E. M. Mann
Commissioners

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