

Decision No. C23-0660-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0007T

IN THE MATTER OF THE FILING OF 2022 ANNUAL REPORTS IN ACCORDANCE WITH RULE 4 CCR 723-2-2006 BY CARRIERS HOLDING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OR A LETTER OF REGISTRATION TO PROVIDE TELECOMMUNICATIONS SERVICES IN THE STATE OF COLORADO OR REGISTERED TO RESELL INTRASTATE TOLL SERVICE.

**INTERIM COMMISSION DECISION
REQUIRING STAFF ACTION**

Mailed Date: October 4, 2023
Adopted Date: September 20, 2023

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission orders Staff of the Colorado Public Utilities Commission (Staff) to review the filings in this Proceeding, and in Staff's discretion, consider initiating a show cause or other appropriate proceeding.

B. Background

2. On January 3, 2023, the Commission opened this Proceeding to serve as a repository for the filings required by § 40-2-111, C.R.S., and Commission Rule 2006(a) of the Rules Regulating Telecommunications Services and Providers of Telecommunication, 4 *Colorado Code of Regulations* (CCR) 723-2.

3. By minute entry, this Proceeding was referred to an administrative law judge (ALJ) on January 25, 2023.¹

4. Pursuant to § 40-2-109, C.R.S., the Commission must provide to the Department of Revenue a list of public utilities subject to its jurisdiction, supervision, and regulation annually. Further, each public utility is required, on or before May 15 of each year to file a return form with the Department of Revenue pursuant to § 40-2-111, C.R.S.

5. Providers of competitive local exchange, emerging competitive, and intrastate toll resale telecommunications services are required, pursuant to § 40-3-111, C.R.S., and Rule 4 CCR 723-2-2006(a), to file an annual report and any other Commission specified information with the Colorado Public Utilities Commission on or before May 15 of each year for the preceding calendar year. Forms must also be properly completed. Pursuant to Commission Rules 2006(a) and 2187 of the Rules Regulating Telecommunications Services and Providers of Telecommunication, 4 CCR 723-2, each provider shall file the return in the form of an annual DR525 form with the Commission.

6. Accordingly, an annual report for the calendar year ending December 31, 2022, and a copy of the Department of Revenue's DR525 form was to have been provided to the Commission before May 1, 2023.

7. By Decision No. C23-0527-I issued on August 8, 2023, the Commission ordered that 41 entities identified as delinquent to file the required DR525 or provide an explanation of why they are not required to do so no later than August 22, 2023.

¹ Pursuant to § 40-6-101, C.R.S, the Commission previously referred this matter to an ALJ. We find it appropriate to rescind that referral for the limited purpose of issuing this Decision and ordering Staff to consider moving forward with additional process.

8. The Commission received responses from several of the 41 entities identified on Attachment A of Decision No. C23-0527-I. The Commission also identified numerous entities originally included on the delinquent list that are inactive or no longer operating in Colorado.

9. However, the Commission still identifies 26 entities as potentially deficient for failure to file the required DR525 Form. These entities are attached hereto as Attachment A to this Decision.

C. Findings and Conclusions

10. The Commission finds that each of the entities listed on Attachment A may have failed to comply with the annual reporting requirements enumerated above.

11. We therefore order Staff to consider whether bringing a show cause proceeding pursuant to Rule 4 CCR 723-1-1302 of the Commission's Practice and Procedure Rules, or another appropriate proceeding is warranted. We order Staff, in its discretion, to proceed with appropriate steps to address the potential failure of these entities to file the required forms.

II. ORDER

A. The Commission Orders That:

1. Staff of the Colorado Public Utilities Commission (Staff) shall review the filings in this Proceeding, and in Staff's discretion, consider initiating a show cause or other appropriate proceeding.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
SEPTEMBER 20, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners