

Decision No. C24-0088

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0627T

IN THE MATTER OF THE APPLICATION OF INTREPID COHORT 1 LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE PART IV TELECOMMUNICATIONS SERVICES (4 CCR 723-2-2103).

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION
WITH CONDITIONS**

Mailed Date: February 15, 2024

Adopted Date: February 7, 2024

I. BY THE COMMISSION

A. Statement

1. By this Decision, we grant, with conditions the application of Intrepid Cohort 1 LLC (Intrepid Cohort) for a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services throughout the State of Colorado. 4 *Code of Colorado Regulations* (CCR) 723-25-4, Commission's Rules Regulating Telecommunications Service and Providers of Telecommunications Service.

A. Background

2. On December 27, 2023, Intrepid Cohort filed an Application for a CPCN to provide Part IV services. Intrepid Cohort seeks to provide broadband services throughout Colorado.

3. On December 29, 2023, 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 January 29, 2024. No interventions were received in this proceeding.

4. On January 10, 2024, Intrepid Cohort filed a supplement to their application. This included the filing of their Colorado Secretary of State Certificate of Good Standing and a notarized affidavit.

5. On January 24, 2024, Intrepid Cohort filed a supplement to its application, a statement of willingness to provide financial assurance in the form of a bond or a letter of credit for \$50,000 as a condition of obtaining its CPCN.

B. Discussion

6. No one has filed an intervention opposing the Application. We, therefore, find that the Application is unopposed and considered without a formal hearing pursuant to § 406-109(5), C.R.S.

7. The Commission modified its Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 CCR 723-2 (Proceeding No. 16R-0453T, effective 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. Pursuant to § 40-15-503.5, C.R.S., Commission Rule 2111, and 4 CCR 723-2, the Commission may require an applicant requesting an operating authority to post a bond or provide other security as a condition of obtaining a Commission operating authority. With the issuance of this authority, Intrepid Cohort must: (1) have an effective interconnection agreement with the underlying carrier CenturyLink, as necessary, to provide its services; (2) provide the central office name and CLLI code where Intrepid Cohort has collocated its telecommunications equipment; (3) file and have

an effective switched access tariff on file with the Commission; and, (4) comply with all statutory and regulatory requirements pursuant to Rule 2103(a)(XVI).

8. Due to the financial information provided by Intrepid Cohort, we conclude that financial assurance for the issuance of a CPCN is necessary and appropriate in the form of either a bond or a letter of credit and shall be required to be posted with the Commission under the terms and conditions specified in the Attachments to this Decision. The issuance of a bond or letter of credit is consistent with previously issued Commission decisions granting CPCNs when financial fitness is an issue. Section 40-15-503.5, C.R.S., and Commission Rule 2111 allow the Commission to impose a bond or other security as a condition of obtaining an operating authority.

9. With the issuance of this authority, Intrepid Cohort must: (1) file a bond or letter of credit consistent with the terms and conditions in the Attachments to this Decision; and (2) comply with all applicable statutory and regulatory requirements pursuant to Rule 2103(a)(XVI), 4 CCR 723-2.

II. ORDER

A. The Commission Orders That:

1. Intrepid Cohort 1 LLC is granted a Certificate of Public Convenience and Necessity to provide wholesale Part IV services statewide with the conditions included herein.

2. Intrepid Cohort 1 LLC is not required to create and provide tariffs to the Commission for its CPCN.

3. Intrepid Cohort 1 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. Before commencing operations under this CPCN to provide Part IV services, Intrepid Cohort 1 LLC shall file with the Commission, financial assurance in the form of a bond or letter of credit consistent with the terms and conditions as described in the Attachments to this Decision.

5. If Intrepid Cohort 1 LLC fails to file financial assurance within one year from the Mailed Date of this Decision, this CPCN to provide Part IV services shall be deemed null and void without further action of the Commission. For good cause shown, and if a proper request is filed within one year of the Mailed Date of this Decision, the Commission may grant additional time within which to file financial assurance.

6. Consistent with terms and conditions established in previous Commission decisions, Intrepid Cohort 1 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, the Statewide 9-8-8 Surcharge, 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.

7. 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.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 7, 2024**

(SEAL)



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

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners