

Decision No. C24-0884

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24M-0443T

IN THE MATTER OF THE APPLICATION OF SMILING J LLC DOING BUSINESS AS HILLTOP BROADBAND FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) TO PROVIDE PART IV SERVICES (4 CCR 723-2-2103).

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

Issued Date: November 27, 2024

Adopted Date: November 20, 2024

I. BY THE COMMISSION

A. Statement

1. By this Decision, we grant the Application filed by Smiling J, LLC, doing business as Hilltop Broadband (“Hilltop”), to obtain a Certificate of Public Convenience and Necessity (“CPCN”) to provide local services throughout the State of Colorado pursuant to 4 *Code of Colorado Regulations* (“CCR”) 723-25-4, Commission’s Rules Regulating Telecommunications Service and Providers of Telecommunications Service.

B. Background

2. On October 15, 2024, Hilltop filed an application requesting a CPCN to provide Part IV services. Hilltop seeks to provide data, internet, and VoIP services throughout Colorado.

3. On October 16, 2024, 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 November 15, 2024. No interventions were received in this proceeding.

4. On October 29, 2024, Hilltop submitted an amended application which corrected the name of the applicant. The amended application also included a notarized affidavit.

C. Discussion

5. 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 § 406109(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. Due to the financial information provided by Hilltop, we conclude that financial assurance for the issuance of a CPCN has been met.

II. ORDER

A. The Commission Orders That:

1. The Application, filed on October 15, 2024, and amended on October 29, 2024, by Smiling J LLC, doing business as Hilltop Broadband, is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted with conditions herein.

2. Hilltop Broadband is not required to create and provide tariffs to the Commission.

3. Hilltop Broadband 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, Hilltop Broadband 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 §§ 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 immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
November 20, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director