

Decision No. C25-0283

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0096T

IN THE MATTER OF THE APPLICATION FILED BY ZAYO NORTHEAST, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) TO PROVIDE PART IV SERVICES (4 CCR 723-2-2103).

**COMMISSION DECISION GRANTING
APPLICATION WITH CONDITIONS**

Issued Date: April 11, 2025

Adopted Date: April 9, 2025

I. BY THE COMMISSION

A. Statement

1. By this Decision, we grant the Application filed by Zayo Northeast, LLC (“Zayo NE”) to obtain a Certificate of Public Convenience and Necessity (“CPCN”) to provide local services 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 March 5, 2025, Zayo NE filed an application requesting a CPCN to provide Part IV services. Zayo NE seeks to provide point-to-point telecommunications services such as private line, Ethernet, wavelength, and other similar high-bandwidth circuits for high-speed data transport.

3. On March 7, 2025, 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 April 7, 2025. No interventions were received in this proceeding.

4. On March 25, 2025, Zayo NE 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 as a condition of obtaining its CPCN.

C. Discussion

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.

5. 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, but do not require, 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., and Commission Rule 2111, 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.

6. Because Zayo NE failed to provide the necessary financial information as required pursuant to Rule 2103(a)(IX) and (X), we conclude that financial assurance in the amount of \$50,000 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.

7. With the issuance of this authority, Zayo NE 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. The Application, filed on March 5, 2025, by Zayo Northeast, LLC, is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. Zayo Northeast, LLC is not required to create and provide tariffs to the Commission.

3. Zayo Northeast, LLC shall not unjustly discriminate among customers in the same class of service, per Commission Rule 4 *Code of Colorado Regulations* (“CCR”) 723-2-2103.

4. Before commencing operations under this CPCN to provide Part IV services, Zayo Northeast, 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 Zayo Northeast, LLC fails to file financial assurance within one year from the Issued 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 Issued 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, Zayo Northeast, 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 §§ 4015-502(4) and (5), C.R.S.

7. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration begins on the first day following the effective date of this Decision.

8. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
April 9, 2025.**

(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