

Decision No. C25-0313

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0098T

IN THE MATTER OF THE JOINT APPLICATION OF TDS TELECOMMUNICATIONS LLC, DMEA UTILITIES SERVICES, LLC, AND DELTA COUNTY TELE-COMM INC. FOR APPROVAL TO EXECUTE A TRANSFER OF OWNERSHIP AND CONTROL OF DELTA COUNTY TELE-COMM INC.

**COMMISSION DECISION
GRANTING JOINT TRANSFER APPLICATION**

Issued Date: April 23, 2025

Adopted Date: April 16, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Joint Application filed on March 5, 2025, by TDS Telecommunications, LLC (“TDS Telecom”), DMEA Utilities Service, LLC doing business as Elevate (“Elevate”), and Delta County Tele-Comm, Inc. (“Delta”).

2. The Applicants request Commission authorization for authority to execute a transfer of ownership and control of Delta to Elevate. The transfer of ownership and control to Elevate will facilitate infrastructure investment, technological development, and economic expansion in the Delta/Montrose area. The transaction will not result in any changes to Commission-issued authorities.

3. We will construe this filing as an application for approval of the transfer of control of Delta pursuant to *4 Code of Colorado Regulations* (“CCR”) 723-2-2110 of the Commission’s Rules Regulating Telecommunications Services and Providers of Telecommunications Services.

4. TDS Telecom is a limited liability company organized under the laws of the State of Delaware. TDS Telecom does not hold any Commission-issued telecommunications authorities. TDS Telecom is a wholly owned subsidiary of Telephone and Data Systems, Inc.

5. Elevate is a limited liability company organized under the laws of the State of Colorado. Elevate was granted a Certificate of Public Convenience and Necessity (“CPCN”) to provide local exchange telecommunications services by Decision No. C17-0958 on November 20, 2017. Elevate is a wholly owned subsidiary of DMEA.

6. Delta is a rural incumbent local exchange carrier and has provided basic local exchange service that pre-dates the current CPCN requirements and is authorized to provide service pursuant to § 40-15-202(4) C.R.S. Delta is a wholly owned subsidiary of TDS Telecom offering telecommunications services within the exchanges of Cedaredge, Crawford, Eckert, Hotchkiss, Paonia, and Somerset Colorado, serving 2,673 subscriber access lines.

7. Applicants, therefore, request Commission authorization to complete the transfer of control of Delta to Elevate. Pursuant to the Purchase Agreement between TDS Telecom and Elevate, Elevate will acquire all the Securities, and thereby become the owner, beneficially and of record, of Delta. Delta will continue to be the entity providing local exchange services. However, there will be a branding and name change from TDS Telecom to Elevate.

8. On March 11, 2025, a notice of the Joint Application was provided to all persons, firms, or corporations interested in or affected by the grant or denial of the requested relief. Interventions were due on or before April 10, 2025. No interventions were filed.

B. Discussion

9. The Commission has jurisdiction over this Joint Application pursuant to §§ 40-5-105, 40-15-204, and 40-15-303, C.R.S.

10. The Application, as amended, contains all the information required by the applicable Commission Rules and is therefore deemed complete.

11. The Application is unopposed and therefore may be considered without a formal hearing, pursuant to § 40-6-109(5), C.R.S.

12. Applicants request Commission approval to complete the transfer of control of Delta, to Elevate.

13. The Application represents that Delta will continue to be the entity providing local exchange services and other services to customers and that the network functionality and the service experience for customers will be unimpeded. While Delta will remain intact, the branded and marketed name of their service provider will transition from TDS Telecom to Elevate. TDS Telecom and Elevate have a Transition Services Agreement in place that will ensure six months of support from TDS Telecom operations, customer services, and billing teams to maintain the look and feel for customers. After that transition period, Elevate will transition billing to its billing format, customer management systems, and customer service support teams.

14. Delta and Elevate, are competitive providers with Commission-issued authority. Except for limited circumstances, such as for providers that are recipients of state high-cost support and for the provision of basic emergency services, the Commission no longer regulates certifications to provide basic local exchange services. *See* § 40-15-401(1)(b), C.R.S. Similarly, the provision of any other emerging competitive services such as advanced features, premium services, intraLATA toll, non-optional operator services, and private line services, except switched access services and basic emergency services, is no longer regulated by the Commission. *See* §§ 40-15-401(1)(e), (k), (n), (o), (s), (t), C.R.S. Consequently, the Commission does not have the authority to approve the transfers of the CPCNs or those parts of the LORs addressing advanced

features, premium services, intraLATA toll, non-optional operator services, and private line services.

15. Switched access services and the provision of basic emergency services have not been deregulated. As a result, we have the authority to review and approve or deny the transfers and encumbrances of the part of authorities held by providers that address those services.

16. We remind applicants that public utilities remain subject to Commission oversight that includes, but is not limited to, reporting and payment obligations to the Colorado High-Cost Support Mechanism and the Telecommunications Relay Services Program.

17. We find that the proposed transfer of control of Delta to Elevate is not contrary to the public interest and therefore grant the Joint Application for transfer to that extent. Entities that hold Commission-issued authorities remain obligated to comply with any applicable requirements or regulations as stated in Article 15 of Title 40

II. ORDER

A. The Commission Orders That:

1. The Joint Application to Transfer filed by TDS Telecommunications, LLC, DMEA Utilities Services, LLC doing business as Elevate, and Delta County Tele-Comm Inc. is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. TDS Telecommunications, LLC, DMEA Utilities Services, LLC doing business as Elevate, and Delta County Tele-Comm, Inc. or their authorized representatives shall jointly notify the Commission if the transfer has been terminated or is not completed within 60 days of the proposed effective date stated in the application or if the proposed transfer terms are changed prior to the consummation date. The notice shall include the Proceeding and Decision numbers which granted the authority to execute the transfer.

3. 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.

4. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 16, 2025.**

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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