

(Decision No. C89-404)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN RE: THE APPLICATION OF MCI TELE-	)	
COMMUNICATIONS CORPORATION FOR	)	APPLICATION NO. 39225
RELAXED REGULATION OF CERTAIN	)	
EMERGING COMPETITIVE TELECOMMUNI-	)	DECISION GRANTING
CATIONS SERVICES.	)	EXCEPTIONS

March 22, 1989

BY THE COMMISSION:

STATEMENT AND FINDINGS

On February 8, 1989, Hearings Examiner Ken F. Kirkpatrick entered Recommended Decision No. R89-126 in this application. Application No. 39225 is an application by MCI Telecommunications Corporation (MCI) for relaxed regulation of certain emerging competitive telecommunications services. The recommended decision of the examiner granted the application in accordance with the terms of a stipulation that had been entered into by all parties in this application and filed with the Commission on January 12, 1989.

On March 2, 1989, MCI filed a pleading entitled "Application for Rehearing, Reargument, or Reconsideration of MCI Telecommunications Corporation." In actuality the pleading is properly denominated as Exceptions to Recommended Decision No. R89-126. MCI states that it has a single exception to the recommended decision which is intended to point out a portion of the recommended decision which should clarify to avoid any confusion. In finding No. 1, on page 3 of Recommended Decision No. R89-126, it is stated that:

The intrastate interLATA telecommunications products and services offered by MCI in the State of Colorado are subject to emerging competition within the meaning of Rule 2 of the Commission's Rules under § 40-15-302(1), C.R.S., Emerging Competitive Telecommunications Service and Title 40, Article 15, C.R.S...

MCI states that the reference above needs to be expanded to include incidental intraLATA telecommunications products and services

offered by MCI to make this finding consistent with the language on page 2 of the Recommended Decision which states that:

Any reduced regulatory treatment granted in this application would apply to incidental intraLATA toll which includes 10XXX and 950 dialing by MCI's customers.

MCI states that this language is also consistent with the stipulation entered into among all the parties in this proceeding.

The Commission finds that the exception filed by MCI should be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. The pleading entitled "Application for Rehearing, Reargument, or Reconsideration of MCI Telecommunications Corporation" and filed by MCI Telecommunications Corporation on March 2, 1989, is construed as Exceptions to Recommended Decision No. R89-126, dated February 8, 1989. As so construed, the Exceptions are granted.

2. The first sentence in Findings of Fact No. 1 contained on Page 3 of Decision No. R89-126 is modified to read as follows:

The Intrastate InterLATA Telecommunications products and services offered by MCI in the State of Colorado, together with incidental intraLATA toll, which includes 10XXX and 950 dialing by MCI's customers, are subject to emerging competition within the meaning of Rule 2 of the Commission's Rules under § 40-15-302(1), C.R.S., emerging competitive telecommunications service and Title 40, Article 15, C.R.S.

3. As modified by ordering paragraph 2 above, Decision No. R89-126, dated February 8, 1989, is adopted by the Commission as its own Decision.

4. The 20-day time period provided for by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration begins on the first day after the mailing or serving of this Decision and Order.

This Decision and Order shall be effective forthwith.

DONE IN OPEN MEETING March 22, 1989.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arnold H. Cook
Andre Schmidt
Ronald L. Lehn
Commissioners

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