

(Decision No. C89-626)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE: THE APPLICATION OF	)	APPLICATION NO. 39225
MCI TELECOMMUNICATIONS CORPORATION	)	
FOR RELAXED REGULATION OF CERTAIN	)	COMMISSION ORDER GRANTING
EMERGING COMPETITIVE TELECOMMUNICA-	)	REHEARING, REARGUMENT, OR
TIONS SERVICES.	)	RECONSIDERATION

- - - - -
May 3, 1989
- - - - -

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

On February 8, 1989, Administrative Law Judge Ken F. Kirkpatrick entered a recommended decision in this application that was modified by the Commission in Decision No. C89-404 by clarifying certain language at the request of MCI Telecommunications Corporation (MCI). On April 7, 1989, U S WEST Communications, Inc. (USWC), filed an Application for Rehearing, Reargument, or Reconsideration of Decision No. C89-404, asserting that the Commission needed to clarify further the language which it had modified by Decision No. C89-404. It asserts that the modification may appear broader than intended and suggests that the definition of incidental intraLATA toll traffic needs to be limited to the terms of the stipulation. USWC has stated good grounds to grant the request to clarify Decision No. C89-404.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C89-404 filed by U S WEST Communications on April 7, 1989, is granted.

2. The first sentence in Findings of Fact No. 1 contained on page 3 of Decision No. R89-126 as previously modified by Decision No. C89-404 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 is defined only as being 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. The 20-day time period provided under § 40-6-114(1), C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration shall begin on the first day after the mailing or serving of this Decision.

This Decision is effective immediately.

DONE IN OPEN MEETING May 3, 1989.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arnold H. Cook
André Schmidt
Ronald L. Lehn
Commissioners

1040n/td/mn