

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-442T

IN THE MATTER OF THE APPLICATION OF SAN ISABEL TELECOM, INC., FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER.

**DECISION GRANTING MOTION TO REOPEN
RECORD, FOR WAIVER OF RESPONSE
TIME, AND REQUEST FOR ORDER**

Mailed Date: January 10, 2003
Adopted Date: December 30, 2002

I. BY THE COMMISSION:

A. Statement, Findings, and Conclusion

1. On September 24, 2001, San Isabel Telecom, Inc. (San Isabel), filed an Application for Designation as an Eligible Telecommunications Carrier (ETC) for the exchanges of Eagle, Edwards, Gypsum, and McCoy, Colorado. San Isabel currently holds a certificate of public convenience and necessity to provide competitive local exchange carrier services in those areas, but ETC designation would allow the company to receive Universal Service Funds in the listed exchanges.

2. Staff of the Commission (Staff) filed a Notice of Intervention on November 20, 2001. By Decision No. R02-1192-I, issued November 19, 2001, a Commission Administrative Law Judge (ALJ) granted the Motion to Intervene filed by CenturyTel of Eagle, Inc. (CenturyTel), on October 29, 2001.

3. On February 4, 2002, Staff and San Isabel submitted a Stipulation and Settlement Agreement (Agreement). CenturyTel was not a party to the Agreement, but neither did it oppose

such. By Decision No. R02-205, issued March 4, 2002, the ALJ approved the Agreement. By the terms of § 40-6-109(2), C.R.S., that decision became effective as a final Commission decision 20 days later.

4. As part of the Agreement, the parties agreed that “San Isabel has satisfied all legal criteria for designation as an ETC and should be granted *conditional* ETC status immediately by the Commission, pending disaggregation of the CenturyTel service area to a wire center or sub-wire center level.” (Emphasis added.) On November 25, 2002, in Docket No. DA 02-2087, the Federal Communications Commission granted a Petition filed by the Commission to redefine the service area of CenturyTel, hence satisfying this condition.

5. The second condition precedent to San Isabel’s designation as an ETC was that San Isabel amend its tariffs “to include a line extension policy which complies with the Commission’s rules governing line extensions for local exchange service.” By Advice Letter No. 12, which went into effect by operation of law on October 7, 2002, San Isabel amended its tariffs to comply with this second requirement.

6. On December 10, 2002, San Isabel, through its Vice President of Carrier Relations, filed a Request for Order asking the Commission to enter an order approving the September 24, 2001 application filed by San Isabel because these two conditions precedent have now been met. Because in this filing San Isabel did not request a waiver of response time, we will address the merits of that Request for Order once the response time has run.

7. On December 17, 2002, San Isabel filed the Motion to Reopen Record, for Waiver of Response Time, and Request for Order. This Motion requests the same ultimate relief as the

Request for Order, however, it more properly requests the Commission to reopen the closed docket, and requests a waiver of response time.

8. Section 40-6-112, C.R.S., allows the Commission to “rescind, alter, or amend any decision made by it.” Having found, as stated, *supra*, that the conditions precedent to San Isabel’s designation as an ETC have now been met, we find good cause to reopen Docket No. 01A-442T, to amend Decision No. R02-205 pursuant to § 40-6-112, C.R.S., in order to grant San Isabel’s Application for Designation as an ETC in full, subject to the terms of the Agreement Approved by Decision No. R02-205, and to waive response time to the Motion. Designation of San Isabel as an ETC is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The Motion to Reopen Record, for Waiver of Response Time, and Request for Order filed by San Isabel Telecom, Inc., on December 17, 2002 is granted in full.

2. Decision No. R02-205 is amended pursuant to § 40-6-112, C.R.S., consistent with the discussion above.

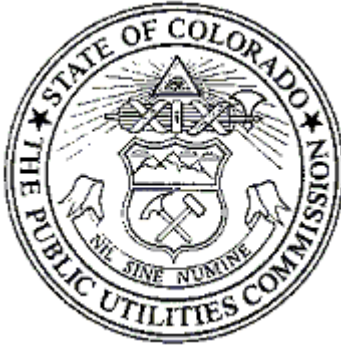
3. The Application for Designation as an Eligible Telecommunications Carrier in the exchanges of Eagle, Edwards, Gypsum, and McCoy, Colorado filed by San Isabel Telecom, Inc., on September 24, 2001 is granted, subject to the terms of the Stipulation and Settlement Agreement filed by San Isabel Telecom, Inc., and Staff of the Public Utilities Commission on February 4, 2002, and approved by Decision No. R02-205, issued March 4, 2002.

4. 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 Mailed Date of this Decision.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 30, 2002.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

POLLY PAGE

JIM DYER

Commissioners