

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-636T

IN THE MATTER OF THE APPLICATION OF MCLEODUSA TELECOMMUNICATIONS SERVICES, INC. TO MAKE A REFUND TO ITS OPERATOR SERVICES CUSTOMERS.

ORDER GRANTING APPLICATION

Mailed Date: January 23, 2003
Adopted Date: January 22, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On June 30, 2002, the Commission adopted benchmark operator services rates pursuant to 4 *Code of Colorado Regulations* (CCR) 723-18, to be effective no later than August 29, 2002. McLeodUSA Telecommunications Services, Inc. (McLeodUSA), filed an advice letter and proposed tariff sheets, with revised rates to be effective on October 16, 2002, which complied with the Commission's benchmark rates.

2. On December 29, 2002, McLeodUSA, filed an application for a refund plan to refund charges that were improperly assessed to consumers for the period between August 29, 2002 through October 15, 2002, as they were in excess of the benchmark rates required by Rules 4 CCR 723-18 and 4 CCR 723-1-58. The total amount to be refunded is \$1,476.69 plus taxes and interest at 4.32 percent. The credit to the customers' bills should begin within 10 days after the Commission's approval of the refund plan and should be completed within 90 days of the onset of the refund plan. McLeodUSA is requesting approval of the refund plan.

3. Notice of the application was posted on the Commission's web site on December 20, 2002. Interventions were due on or before January 9, 2003. None were filed.

B. Discussion

4. Now being duly advised in the matter, we grant the application for the refund plan. Consistent with its application, McLeodUSA will issue refunds for the operator services charges collected from August 29, 2002 through October 15, 2002. The refund will be in the form of a one-time bill credit.

5. McLeod USA shall file a detailed list that informs the Commission of the amounts refunded to each end-use customer and the amounts that were unable to be credited to a specific account. Any refunds that could not be paid to the appropriate end-use customer shall be treated according to Colorado statute relating to unclaimed funds for overcharges, § 40-8-101 *et seq.*, C.R.S.

6. On or before June 30, 2003, McLeodUSA shall file with the Commission an affidavit establishing that the refund was made in accordance with this Commission Decision.

II. ORDER

A. The Commission Orders That:

1. McLeodUSA Telecommunications Services, Inc.'s application is deemed complete.

2. McLeodUSA Telecommunications Services, Inc.'s application for the refund plan is granted, subject to the terms and conditions set forth in the Discussion portion of this Order.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 22, 2003.**

(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