

Decision No. C03-0116

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98M-236T

IN THE MATTER OF THE ADMINISTRATION OF THE COLORADO HIGH COST
SUPPORT MECHANISM.

**DECISION DENYING APPLICATION FOR REHEARING,
REARGUMENT, OR RECONSIDERATION**

Mailed Date: January 30, 2003
Adopted Date: January 22, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the Application for Rehearing, Reargument, or Reconsideration (RRR) filed by AT&T Communications of the Mountain States, Inc.; TCG Colorado; and WorldCom Inc., on January 15, 2003. The Application for RRR objects to Decision No. C02-1457, which revised the Colorado High Cost Support Mechanism (CHCSM) budget for calendar year 2003. Now being duly advised in the premises, we deny the Application for RRR.

2. Decision No. C02-1457 revised the CHCSM budget for calendar year 2003 to \$56,004, 963. According to the Application, the Commission had previously approved a Stipulation in Decision No. R02-758-I (Docket No. 98M-147T), and that Stipulation between the parties established the CHCSM budget for 2003 at \$45,305,232. The Application for RRR suggests that Decision No. C02-1457, in effect, breaches the Stipulation approved by the Commission in Decision No. R02-758-I. We disagree.

3. As recognized in the Application for RRR itself, the reason for the upward revision of the budget in Decision No. C02-1457 was to reflect our recent adoption of amendments to Rule 9.2.3, 4 *Code of Colorado Regulations* 723-41. Amended Rule 9.2.3 now provides for CHCSM support for all access lines. Prior to this amendment, the CHCSM Rules provided support for single lines only. This change to the rules increases the funds necessary to provide support to carriers under the CHCSM Rules.

4. We note that the Stipulation approved in Decision No. R02-758-I did not purport to prohibit the Commission from changing the CHCSM Rules in a manner that would affect the CHCSM budget for calendar 2003. Moreover, it should have been obvious to all parties in Docket No. 98M-147T, even if unstated, that the budget approved in Decision No. R02-758-I was subject to change if the Commission amended the CHCSM Rules in a manner affecting the amount of support to be provided under the rules. In short, Decision No. C02-1457 is not inconsistent with the Stipulation approved in Decision No. R02-758-I.

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration filed by AT&T Communications of the Mountain States, Inc.; TCG Colorado; and WorldCom, Inc., on January 15, 2003 is denied.

2. 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