

Decision No. C03-0180

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02I-251T

IN THE MATTER OF AN INVESTIGATION OF EXPANDING THE DEFINITION OF BASIC
LOCAL EXCHANGE TELEPHONE SERVICE OR BASIC SERVICE.

DECISION ADOPTING REPORT AND CLOSING DOCKET

Mailed Date: February 25, 2003

Adopted Date: February 5, 2003

I. BY THE COMMISSION

A. Statement

1. By Decision No. C02-533, adopted May 4, 2002, the Commission opened this investigation to consider the expansion of the definition of basic local exchange telephone service (basic service). This docket was opened to satisfy the provision of § 40-15-502(2), C.R.S., requiring the Commission to conduct a proceeding no less frequently than every three years to consider the revision of the definition of basic service.

2. The Commission sought comments on any changes or modifications that should be made to the definition of basic service. Initial comments were to be filed on or before June 3, 2002. Reply comments were to be submitted on or before June 17, 2002.

B. Discussion

3. Interested parties submitted comments and reply comments. The Commission considered all submissions.

4. None of the parties submitting comments recommended that the definition of basic service be expanded at this time.

5. AT&T Communications of the Mountain States, Inc., and North East Cellular, Inc., recommended that the facsimile and data transmission capability standard per 4 *Code of Colorado Regulations* (CCR) 723-2-17.1.4 be deleted and that the definition be limited to voice grade access. North East Cellular, Inc., also recommended that the white page directory listing requirement per 4 CCR 723-2-17.11 be deleted.

6. On October 25, 2002, the Castle Pines North Homeowners Master Association filed a letter with the Commission addressing the issue of zone charges. The homeowners association stated the belief that the old zone charge system is based on assumptions about development and telecommunications networks that are no longer applicable, and that the current development patterns and new telecommunications technologies warrant that the Commission consider how zone charges are implemented and consider new alternatives. The Commission plans to look at the issue of zone charges separate from this docket.

7. After reviewing the comments of interested parties, the Commission will not initiate additional proceedings as a result of this docket.

8. The Commission agrees with the parties' comments that the definition of basic service should not be expanded at this time.

9. The Commission disagrees with the comments from interested parties that suggested the elimination of facsimile and data transmission capability and white page directory listing from the definition of basic service. It is the Commission's decision that no proceedings will be initiated at this time to delete any service elements from the current definition of basic local telephone service.

10. The final report of the Commission on this docket is contained in Attachment A to this order.

11. The purpose of this docket has concluded; therefore, this docket will be closed.

II. ORDER

A. The Commission Orders That:

1. The present docket is closed.
2. This Order is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING February 5, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners