

Decision No. C03-0355

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-025T

IN THE MATTER OF THE APPLICATION OF ZENITH COMMUNICATIONS
MANAGEMENT, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.

**ORDER GRANTING LATE-FILED PETITION FOR
INTERVENTION BY OFFICE OF CONSUMER COUNSEL
AND REQUEST FOR HEARING OF COMMISSION STAFF
AND COLORADO OFFICE OF CONSUMER COUNSEL,
AND FOR WAIVER OF RESPONSE TIME**

Mailed Date: April 7, 2003
Adopted Date: March 5, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application for Public Convenience and Necessity filed by Zenith Communications Management, LLC (Zenith) on January 17, 2003. Zenith seeks Commission authority to provide local exchange telecommunications services in the State of Colorado. The application indicates that the contact person and regulatory contact for the company is a Ms. Katie Watkins.

2. The Colorado Office of Consumer Counsel (OCC) late-filed a petition to intervene in response to Zenith's application. According to the petition, OCC has several concerns regarding the application. Upon reviewing the pending application, OCC points out that Ms. Watkins appears to be the only person associated with the company and it appears that she prepared all filings without professional assistance.

3. Further, upon investigation, OCC determined that the principal place of business of Zenith is a residential property owned by Ms. Watkins and a Benjamin M. Watkins. OCC also points out that the toll free number indicated on the application is the same toll free number provided to the OCC in connection with the application to terminate service filed by Mile High Telecom Joint Venture. Further, this same toll free number is listed as the number of Premier Communications, Inc., on its website.

4. The OCC believes that there is inadequate information available to determine whether Zenith has demonstrated a good faith, viable business plan before entering the market, in order to ensure continuity of service and avoid financial harm to the residential, small business, and agriculture local exchange user.

5. OCC also states that its intervention in this proceeding was not timely-filed due to its inability to obtain necessary information. However, OCC urges that as of the date of its filing, the Commission had not yet deemed the application complete, therefore no harm should result in granting OCC's intervention. Further, OCC indicates that if approved, the application will affect the constituency it is statutorily mandated to represent pursuant to § 40-6.5-104, C.R.S. OCC also requests waiver of response time.

6. We find that OCC has stated good cause to grant its late-filed petition to intervene in this matter. We further find that good cause exists to set this matter for hearing and accordingly deemed Zenith's application complete and referred the matter to an administrative law judge for hearing by minute entry at the March 5, 2003 Commissioners' Weekly Meeting.

II. ORDER**A. The Commission Orders That:**

1. The Late-Filed Petition to Intervene, Request for Waiver of Response Time, Entry of Appearance, and Request for Hearing of the Colorado Office of Consumer Counsel is granted.
2. The application of Zenith Communications Management, LLC for a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services was deemed complete and referred to an administrative law judge for hearing by minute entry.
3. Response time to the Colorado Office of Consumer Counsel's petition is waived.
4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 5, 2003.****(S E A L)****ATTEST: A TRUE COPY**

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners