

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03V-076T

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IN THE MATTER OF THE APPLICATION OF COMTECH21, LLC FOR LIMITED WAIVER  
OF COMMISSION'S SLAMMING RULES.

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**COMMISSION ORDER DEEMING  
APPLICATION COMPLETE**

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Mailed Date: April 18, 2003  
Adopted Date: April 16, 2003

**I. BY THE COMMISSION**

**A. Statement and Findings of Fact**

1. On March 3, 2003, Applicant ComTech21, LLC (ComTech21) filed an application seeking a limited waiver of the Commission's slamming rules, 4 *Code of Colorado Regulations* (CCR) 723-2-25 related to presubscribed carrier changes related to a transfer of customers from Alliance Group Services Inc. (AGSi), to ComTech21. The transaction involves a transfer of long distance customers.

2. Both ComTech21 and AGSi are registered toll resellers and currently hold no other Commission issued authorities to offer jurisdictional telecommunications services.

3. Pursuant to an agreement executed between ComTech21 and AGSi, AGSI has agreed to divest certain retail assets. The parties intend to transfer AGSi customers to ComTech21. The Applicant states ComTech21 will provide interexchange services to these customers under the same or better rates as provided by AGSi.

4. Notice of the application was posted on the Commission's web site on March 5, 2003. Interventions were due on or before April 4, 2003. None were filed.

**B. Discussion**

5. The Commission finds that this matter may be considered without a hearing pursuant to § 40-6-109(5), C.R.S.

6. Neither an application, nor Commission authority is required for transfers that exclusively involve registered toll resellers. The parties in question hold no authority other than toll reseller registration. Therefore no Commission authorization for this transfer is necessary.

7. According to 4 CCR 723-25-9, the Commission has limited jurisdiction over the activities of toll resellers to include slamming oversight as specified in 4 CCR 723-2-25. Therefore, the issue of a waiver of the Commission's slamming rules is appropriate for the Commission to consider. Specifically, a waiver of our slamming rules is requested by the Applicant for the proposed transfer of customers from AGSi to ComTech21. The Applicant represents in its application that AGSi customers will be notified in writing by first class U.S. Mail of the anticipated transaction, allowing them to choose an alternative carrier if they do not wish to be served by ComTech21.

8. The Commission finds that the Applicant has provided sufficient information related to the requested waiver and we will grant a waiver of the Commission's slamming rules for this transaction.

**II. ORDER**

**A. The Commission Orders That:**

1. The application is deemed complete.

2. The application by ComTech21, LLC for a waiver of the Commission's slamming rules found at 4 *Code of Colorado Regulations* 723-2-25 is approved.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 16, 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