

Decision No. C03-0486

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-116T

IN THE MATTER OF THE JOINT APPLICATION OF BROADWING COMMUNICATIONS SERVICES, INC. AND BROADWING TELECOMMUNICATIONS INC. AND C III COMMUNICATIONS OPERATIONS, LLC TO EXECUTE A TRANSFER.

ORDER GRANTING APPLICATION

Mailed Date: May 12, 2003

Adopted Date: May 7, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On March 24, 2003, Broadwing Communications Services, Inc. (BCSI), Broadwing Telecommunications, Inc. (BTI), and C III Communications Operations, LLC (C III), (together Applicants), filed an application seeking approval of a proposed sale of assets and transfer of BCSI and BTI to C III. 4 *Code of Colorado Regulations* 723-37.

2. BCSI was granted a Certificate of Public Convenience and Necessity to Provide Emerging Competitive Telecommunications Services in Decision No. C96-895. BTI was granted authority to offer emerging competitive telecommunications services in Decision No. C99-717. Both BCSI and BTI have effective tariffs on file with the Commission.

3. C III was granted authority to offer emerging competitive telecommunications services in Decision No. C03-0426.

4. C III has entered into a purchase agreement where BCSI and its wholly owned subsidiary BTI will sell their assets including Commission issued authorities and customers to C III.

5. On April 2, 2003, the Applicants filed supplemental information that clarified several questions from Commission Staff. The Applicants included a request to adopt the existing tariffs of BCSI and BTI under the name of C III Communications, LLC.

6. Notice of the application was posted on the Commission's web site on March 26, 2003. Interventions were due on or before April 25, 2003. None were filed.

B. Discussion

7. The application is unopposed and may be considered without a hearing. § 40-6-109(5), C.R.S.

8. The Commission finds that the proposed transfer of assets is not contrary to the public interest.

II. ORDER

A. The Commission Orders That:

1. The application by Broadwing Communications Services, Inc., Broadwing Telecommunications, Inc., and C III Communications Operations, LLC is deemed complete.

2. The application to approve the proposed transfer involving Broadwing Communications Services, Inc., and Broadwing Telecommunications, Inc., is granted.

3. The obligation of Broadwing Communications Services, Inc., and Broadwing Telecommunications, Inc., to file annual reports with the Commission and contribute to all

applicable Colorado funds for the period up until the effective date of this Order remains. These funds include the Public Utilities Commission’s Fixed Utilities Fund, the Colorado High Cost Administration Fund, the Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program.

4. C III Communications, LLC will file an adoption notice within 30 days of the completion of the transaction to adopt Broadwing Communications Services, Inc.’s and Broadwing Telecommunications, Inc.’s existing tariffs on file with the Commission. This may be done on one day’s notice as a compliance filing listing this Decision as its authority to do so.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
May 7, 2003.**

(SEAL)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.

ATTEST: A TRUE COPY

Bruce N. Smith
Director