

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03V-138T

IN THE MATTER OF THE APPLICATION OF WORLDXCHANGE CORP. D/B/A ACCERIS COMMUNICATIONS PARTNERS; ACCERIS COMMUNICATIONS SOLUTIONS AND LOCAL TELECOM HOLDINGS, LLC REQUEST FOR LIMITED WAIVER OF COMMISSION'S RULES AND WITHDRAWAL OF REGISTRATION.

**COMMISSION ORDER DEEMING
APPLICATION COMPLETE**

Mailed Date: May 21, 2003
Adopted Date: May 16, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On March 3, 2003, Applicant WorldxChange Corp., doing business as Acceris Communications Partners; Acceris Communications Solutions (Acceris), and Local Telecom Holdings, LLC (LTH) 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 LTH to Acceris. The transaction involves a transfer of long distance customers. The Applicants also requested approval to withdraw LTH's Colorado registration as a toll reseller.

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

3. Through a series of transactions Acceris will acquire the Colorado assets and customer base of LTH and LTH will then cease to exist. The Applicants have entered into several agreements, including a Purchase Agreement, as amended, and an Asset Purchase

Agreement, as amended. The parties intend to transfer LTH customers to Acceris. The Applicants state the proposed transaction will not directly affect the rates, terms, and conditions under which LTH customers receive service.

4. Notice of the application was posted on the Commission's web site on April 8, 2003. Interventions were due on or before May 8, 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 LTH to Acceris. The Applicant represents in its application that LTH customers will be notified in writing by first class U.S. Mail of the anticipated transaction.

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.

9. The Commission has limited jurisdiction over the activities of toll resellers. Commission approval is not required to withdraw registration as a toll reseller in Colorado. Toll resellers are required to file an updated registration form within 15 days of any change in the information previously provided to the Commission, including any discontinuance or curtailment of services. 4 CCR 723-25-9.2.3.

II. ORDER

A. The Commission Orders That:

1. The application is deemed complete.
2. The application by WorldxChange Corp., doing business as Acceris Communications Partners; Acceris Communications Solutions; and Local Telecom Holdings, LLC for a waiver of the Commission's slamming rules found at 4 *Code of Colorado Regulations* 723-2-25 is approved.
3. Local Telecom Holdings, LLC shall file an updated registration within 15 days of the effective date of this Order.
4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 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