

Decision No. C03-0613

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02R-646T

IN THE MATTER OF THE PROPOSED RULES FOR SIMPLIFIED REGULATORY
TREATMENT FOR RURAL TELECOMMUNICATIONS PROVIDERS.

DECISION VACATING STAY AND ADOPTING RULES

Mailed Date: June 4, 2003

Adopted Date: May 16, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of Decision No. R03-0402 (Recommended Decision) issued by the Administrative Law Judge on April 18, 2003. Pursuant to the provisions of § 40-6-109(2), C.R.S., we stayed the Recommended Decision on our own motion to allow for Commission review of the decision. *See* Decision No. C03-0481. Now being duly advised, we vacate the stay of the Recommended Decision. The rules recommended for adoption by the ALJ in this case are now adopted as set forth in the discussion below.

B. Discussion

2. This case concerns proposed rules for simplified regulatory treatment of rural local exchange providers. We issued a Notice of Proposed Rulemaking in this docket on December 19, 2002, and assigned the matter to the ALJ for hearing. *See* Decision No. C02-1407. After hearing in this case, the ALJ issued Decision No. ~~R03-0492~~ R03-0402 recommending that the Commission adopt certain rules (Attachment A to the Recommended Decision). The rules recommended for adoption by the ALJ establish simplified regulatory

procedures for rural local exchange providers. Specific statutory authority for adoption of rules establishing simplified regulation for rural providers is contained in §§ 40-15-201(1), 40-15-203.5, and 40-15-503(2)(d), C.R.S.

3. Although a number of parties participated in the proceeding before the ALJ, none has filed Exceptions to the Recommended Decision pursuant to the provisions of § 40-6-109(2), C.R.S. Now having reviewed the rules, we accept the ALJ's recommendations in their entirety. Therefore, the stay of the Recommended Decision (issued in Decision No. C03-0481) is now vacated. The rules appended to the Recommended Decision as Attachment A are now adopted.

II. ORDER

A. The Commission Orders That:

1. The Stay of Decision No. R03-0402 is vacated, and that decision is affirmed in its entirety.

2. The rules appended to Decision No. R03-0402 as Attachment A are adopted. This order adopting the attached rules shall become final 20 days following the mailed date of this decision in the absence of the filing of any applications for rehearing, reargument, or reconsideration. In the event any application for rehearing, reargument, or reconsideration to this decision is timely filed, this order of adoption shall become final upon a Commission ruling on any such application, in the absence of further order of the Commission.

3. Within twenty days of final Commission action on the attached Rules, the adopted Rules shall be filed with the Secretary of State for publication in the next issue of the Colorado Register along with the opinion of the Attorney General regarding the legality of the Rules.

4. The twenty day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the Mailed Date of this decision.

5. This Order is effective immediately upon 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