

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

DOCKET NO. 03A-178T

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IN THE MATTER OF THE APPLICATION OF LIGHTYEAR COMMUNICATIONS, INC.  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE  
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES AND FOR A LETTER OF  
REGISTRATION TO PROVIDE CERTAIN EMERGING COMPETITIVE SERVICES.

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**ORDER GRANTING APPLICATION**

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Mailed Date: June 12, 2003  
Adopted Date: June 11, 2003

**I. BY THE COMMISSION**

**A. Statement and Findings of Fact**

1. On May 8, 2003, Lightyear Communications, Inc. (Lightyear), filed an application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and a Letter of Registration to provide certain emerging competitive telecommunications services throughout the State of Colorado. 4 *Code of Colorado Regulations* (CCR) 723-25-4.

2. In Decision No. C95-1053 Lightyear, then known as UniDial, Inc., was granted a Letter of Registration for state-wide authority to provide non-optional operator services within the State of Colorado. The Letter of Registration was relinquished in Decision No. C01-340.

3. In Decision No. C00-502 Lightyear, then known as UniDial Communications, Inc., was granted a Certificate of Public Convenience and Necessity for state-wide authority to provide interLATA and intraLATA toll services within the State of Colorado. Current tariffs are on file with the Commission.

4. On May 13, 2003, Lightyear filed a supplemental letter that clarified the application making it complete.

5. Notice of the application was posted on the Commission's web site on May 13, 2003. Interventions were due on or before June 2, 2003. None were filed.

**B. Discussion**

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

7. Granting the application of Lightyear is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.

8. Before providing local exchange and emerging competitive telecommunications services, Lightyear must: (1) have effective tariffs for its services on file with the Commission; and (2) comply with all statutory and regulatory requirements applicable to telecommunications providers subject to the jurisdiction of the Commission. 4 CCR 723-25-4.1.10.

**II. ORDER**

**A. The Commission Orders That:**

1. Lightyear Communications, Inc.'s application is deemed complete.
2. Lightyear Communications, Inc., is granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services throughout the State of Colorado. A detailed description of the applicant's service territory will be delineated in the local exchange maps filed with the tariff.

3. Lightyear Communications, Inc.'s local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* 723-38.

4. Lightyear Communications, Inc., is granted a Letter of Registration to provide the following emerging competitive telecommunications services throughout the State of Colorado: advanced features, premium services, switched access, and jurisdictional private line.

5. Lightyear Communications, Inc.'s emerging competitive telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* 723-38.

6. Lightyear Communications, Inc., shall serve customers in its service territory on a non-discriminatory basis. "Service territory" shall be defined as that portion of Colorado included in the local exchange maps provided with the applicant's tariffs. However, Lightyear Communications, Inc., shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

7. Unless the Commission orders otherwise, Lightyear Communications, Inc., shall begin providing local exchange and the delineated emerging competitive telecommunications services within three years after the grant of this Certificate of Public Convenience and Necessity. 4 *Code of Colorado Regulations* 723-25-6.

8. Before commencing operations under this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and Letter of Registration to provide the delineated emerging competitive telecommunications services, Lightyear Communications, Inc., shall file an Advice Letter containing local exchange maps, local calling

areas, and a proposed tariff to become effective on not less than 30 days' notice. 4 *Code of Colorado Regulations* 723-1-41. Lightyear Communications, Inc., may also file a separate price list with the proposed tariff.

9. If Lightyear Communications, Inc., fails to file an effective tariff within three years from the Mailing Date of this Order, this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and this Letter of Registration to provide the delineated emerging competitive telecommunications services shall be deemed null and void. For good cause shown, and if a proper request is filed within three years of the Mailing Date of this Order, the Commission may grant Lightyear Communications, Inc., additional time within which to file a tariff.

10. In accordance with the Commission's Rules of Practice and Procedure, Lightyear Communications, Inc., will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles. 4 *Code of Colorado Regulations* 723-1-25(c).

11. Consistent with terms and conditions established in previous Commission decisions, Lightyear Communications, Inc., will be required to contribute to the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, the Emergency Telephone Access Act Program (Low Income Fund), and other financial support mechanisms that may be created in the future by the Commission to implement §§ 40-15-502(4) and (5), C.R.S.

12. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 11, 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