

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

DOCKET NO. 03A-148T

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IN THE MATTER OF THE APPLICATION OF TCOMM OF COLORADO, LLC FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL  
EXCHANGE TELECOMMUNICATIONS SERVICES AND LETTER OF REGISTRATION  
TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICES.

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**ORDER DISMISSING APPLICATION  
WITHOUT PREJUDICE**

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Mailed Date: July 3, 2003  
Adopted Date: May 21, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of the Joint Motion to Dismiss Without Prejudice the Application of TComm of Colorado, LLC (TComm) for a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services filed by TComm and the Colorado Office of Consumer Counsel (OCC). Good cause having been stated, we grant the motion consistent with the discussion below.

2. On April 14, 2003, TComm filed an application for a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services and for a Letter of Registration to provide emerging competitive telecommunications services to include advanced features, interLATA toll, premium services, switched access, and intraLATA toll. On April 28, 2003, the OCC intervened and requested a hearing on the application. In that filing, the OCC expressed concern about TComm's financial viability and the viability of its

business plan. On May 13, 2003, TComm and the OCC filed their Joint Motion to Dismiss Without Prejudice TComm's application for the CPCN to provide local exchange telecommunications services. The motion was silent on the issue of TComm's application for a letter of registration to provide emerging competitive telecommunications services. The motion does, however, state that, "On May 7, 2003, the OCC, Staff of the Commission and TComm informally discussed the status of the application and concluded that the Company was not fully able to fulfill its obligations as a provider of local exchange telecommunications services at this time."

3. The Commission believes that any concern about TComm's present inability to fulfill its obligations as a provider of telecommunications services would logically extend to its provision of emerging competitive services as well as local exchange. With this reasoning in mind, we interpret the joint motion to refer to TComm's original application in its entirety, *i.e.*, to its application for both the CPCN and the letter of registration. Given this interpretation, the Commission grants the joint motion, thereby closing the docket.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Joint Motion to Dismiss Without Prejudice the Application of TComm of Colorado, LLC for a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services and Letter of Registration filed by TComm of Colorado, LLC and the Colorado Office of Consumer Counsel is granted.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
May 21, 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

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Commissioners