

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-259T

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

ORDER GRANTING APPLICATION

Mailed Date: July 29, 2003
Adopted Date: July 23, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On June 18, 2003, Mallcom Networks of Colorado, LLC (Mallcom) filed an application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and a Letter of Registration to provide emerging competitive telecommunications services throughout the State of Colorado. 4 *Code of Colorado Regulations* (CCR) 723-25-4.

2. Notice of the application was posted on the Commission's web site on June 23, 2003, interventions were due on or before July 14, 2003. None were filed.

3. On June 27, 2003, Mallcom filed supplemental information at the request of the Commission Staff. The response clarified the outstanding item in the docket.

B. Discussion

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

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

6. Before providing local exchange and emerging competitive telecommunications services, Mallcom 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. Mallcom Networks of Colorado, LLC 's application is deemed complete.
2. Mallcom Networks of Colorado, LLC, 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. Mallcom Networks of Colorado, LLC's local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* 723-38.
4. Mallcom Networks of Colorado, LLC, is granted a Letter of Registration to provide the following emerging competitive telecommunications services throughout the State of Colorado: advanced features, premium services, intraLATA toll, interLATA toll, switched access, and non-optional operator services.

5. Mallcom Networks of Colorado, LLC's emerging competitive telecommunications services, with the exception of non-optional operator services, will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* 723-38.

6. Mallcom Networks of Colorado, LLC's non-optional operator services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* 723-18.

7. Mallcom Networks of Colorado, LLC, 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, Mallcom Networks of Colorado, LLC, shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

8. Unless the Commission orders otherwise, Mallcom Networks of Colorado, LLC, shall begin providing local exchange and 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.

9. Before commencing operations under this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and Letter of Registration to provide emerging competitive telecommunications services, Mallcom Networks of Colorado, LLC, 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. Mallcom Networks of Colorado, LLC may also file a separate price list with the proposed tariff.

10. If Mallcom Networks of Colorado, LLC, 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 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 Mallcom Networks of Colorado, LLC, additional time within which to file a tariff.

11. In accordance with the Commission's Rules of Practice and Procedure, Mallcom Networks of Colorado, LLC, 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).

12. Consistent with terms and conditions established in previous Commission decisions, Mallcom Networks of Colorado, LLC, 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.

13. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 23, 2003**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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POLLY PAGE

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Commissioners