

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

DOCKET NO. 03M-339T

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IN RE: THE REJECTION OF TARIFF SHEET FILED BY LIGHTYEAR  
COMMUNICATIONS, INC. WITH ADVICE LETTER NO. 5.

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**ORDER REJECTING TARIFF SHEETS**

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Mailed Date: August 1, 2003  
Adopted Date: August 1, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On July 3, 2003, Lightyear Communications, Inc. (Lightyear), filed Advice Letter No. 5. Lightyear states that this filing is the initial tariff Colorado PUC Tariff No. 5 for local exchange telecommunications services in compliance with Commission Decision No. C03-0645 granting Lightyear a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and a Letter of Registration to provide emerging competitive telecommunications services, to become effective August 3, 2003.

2. On July 21, 2003, Lightyear filed Amended Advice Letter No. 5.

3. On July 30, 2003, Lightyear filed Second Amended Advice Letter No. 5.

**B. Findings of Fact**

4. The filing contains Colorado PUC Tariff No. 5 Original Page 91, as amended in Seconded Amended Advice Letter No. 5. In Section 6.3.2 B for Lightyear Starter Plan the price for each additional line for Zone 1, including the Base Rate Area, Zone 2, and Zone 3 contains no

additional features and therefore exceeds the basic local service rate cap as set forth in § 40-15-502, C.R.S.

**C. Conclusions**

5. Due to the deficiencies in the filing identified above, the Commission will reject Colorado PUC Tariff No. 5 Original Page 91 filed in Second Amended Advice Letter No. 5 by Lightyear.

**II. ORDER**

**A. The Commission Orders That:**

1. Colorado PUC Tariff No. 5 Original Page 91 filed in Second Amended Advice Letter No. 5 by Lightyear Communications, Inc., on July 30, 2003, is rejected.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 1, 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**

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**POLLY PAGE**

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**JIM DYER**

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Commissioners