

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-312T

IN THE MATTER OF THE APPLICATION OF NC TELECOM, INC. FOR DESIGNATION
AS AN ELIGIBLE PROVIDER UNDER 4 C.C.R. 723-41-8.

ORDER DENYING APPLICATION

Mailed Date: September 17, 2003
Adopted Date: September 10, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On July 21, 2003, NC Telecom, Inc. (NCT), filed an application for designation as an Eligible Provider (EP). 4 *Code of Colorado Regulations* (CCR) 723-41-8.

2. Notice of the application was posted on the Commission's web site on July 23, 2003. Interventions were due on or before August 22, 2003. None were filed.

B. Discussion

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

4. The Commission's rules at 4 CCR 723-41-8.2.1 require that an EP application must provide evidence sufficient to establish the following:

- a) 7.2.2 – A statement describing the Service Area for which applicant seeks designation as an ETC;
- b) 8.2.1.2 – The provider will offer basic local exchange service throughout the entire Geographic Support Area;
- c) 8.2.1.3 – The provider has the managerial qualifications, financial resources, and technical competence to provide basic local exchange

service through the specified support area regardless of the availability of facilities or the presence of other providers in the area;

d) 8.2.1.4 – The provider is not receiving funds from the HCSM or any other source that together with revenues, as defined by the Commission-adopted revenue benchmark, exceed the reasonable cost of providing basic local exchange service to customers of such provider; and

e) 8.2.1.5 – The granting of the application serves the public convenience and necessity, as defined in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.

5. NCT's application was deemed complete by minute entry during the Commission's Weekly Meeting on September 3, 2003.

6. NCT has applied for designation as an Eligible Telecommunications Carrier (ETC) in Docket No. 03A-323T.

7. At the Commission's Weekly Meeting on September 10, 2003, we denied NCT's application for designation as an ETC in Docket No. 03A-323T because NCT currently provides the Universal Service Fund supported services *exclusively* through the resale of Qwest Corporation facilities.

8. Because we denied NCT's application for designation as an ETC in Docket No. 03A-323T, we must therefore deny NCT's application for designation as an EP since NCT does not meet all of the requirements to be designated as an EP pursuant to 4 CCR 723-41-8.2.1.

II. ORDER

A. The Commission Orders That:

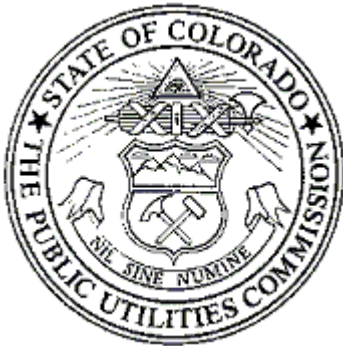
1. NC Telecom, Inc.'s application for designation as an Eligible Provider is denied consistent with the discussion above

2. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 10, 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