

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

DOCKET NO. 03A-278T

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IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN TELECOM, INC. 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.

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**ORDER GRANTING APPLICATION**

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Mailed Date: September 15, 2003

Adopted Date: September 3, 2003

**I. BY THE COMMISSION**

**A. Statement and Findings of Fact**

1. On June 30, 2003, Rocky Mountain Telecom, Inc. (RMT), 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 July 3, 2003. Interventions were due on or before July 23, 2003. On July 22, 2003, the Office of Consumer Counsel (OCC) filed a Notice of Intervention of Right, Entry of Appearance, and Request for Hearing.

3. On July 25 and 31, 2003, RMT filed supplemental information at the request of the Commission Staff. The response clarified the outstanding items in the docket.

4. On July 31, 2003, the OCC filed a Motion to Approve Stipulation and Settlement Agreement in Resolution of Application Proceeding and Request for Waiver of Response Time.

5. At the Weekly Meeting on August 1, 2003, the Commission deemed the application complete by minute entry.

6. In Decision No. C03-0903, the Commission ordered a scheduling conference on the Motion to Approve Stipulation for August 21, 2003. At the scheduling conference, a hearing on the Motion to Approve Stipulation was set for September 4, 2003.

7. On August 28, 2003, the OCC filed its Withdrawal of Motion to Approve Stipulation and Settlement Agreement in Resolution of Application, Motion to Withdraw of the Colorado Office of Consumer Counsel and Request for Waiver of Response Time. In this pleading, the OCC requests permission to withdraw as a party to this case. As such, RMT's application is now unopposed.

**B. Discussion**

8. Now being unopposed, the application may be considered without a hearing. *See* § 40-6-109(5), C.R.S.

9. Based upon the record in this matter, we conclude that granting the application of RMT is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.

10. Before providing local exchange and emerging competitive telecommunications services, RMT 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. *See* 4 CCR 723-25-4.1.10.

## **II. ORDER**

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

1. The Withdrawal of Motion to Approve Stipulation and Settlement Agreement in Resolution of Application, Motion to Withdraw of the Colorado Office of Consumer Counsel and Request for Waiver of Response Time is granted.

2. The hearing for Motion to Approve Stipulation scheduled for September 4, 2003 is vacated.

3. Rocky Mountain Telecom, 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.

4. Rocky Mountain Telecom, Inc.'s local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.

5. Rocky Mountain Telecom, Inc., 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.

6. Rocky Mountain Telecom, Inc.'s emerging competitive telecommunications services, with the exception of non-optional operator services, will be regulated under the default regulatory scheme contained in 4 CCR 723-38.

7. Rocky Mountain Telecom, Inc.'s non-optional operator services will be regulated under the default regulatory scheme contained in 4 CCR 723-18.

8. Rocky Mountain Telecom, 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, Rocky Mountain Telecom, Inc., shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

9. Unless the Commission orders otherwise, Rocky Mountain Telecom, Inc., shall begin providing local exchange and emerging competitive telecommunications services within three years after the grant of this Certificate of Public Convenience and Necessity. *See* 4 CCR 723-25-6.

10. 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, Rocky Mountain Telecom, 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. *See* 4 CCR 723-1-41. Rocky Mountain Telecom, Inc., may also file a separate price list with the proposed tariff.

11. If Rocky Mountain Telecom, 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 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 Rocky Mountain Telecom, Inc., additional time within which to file a tariff.

12. In accordance with the Commission's Rules of Practice and Procedure, Rocky Mountain Telecom, Inc., will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles. *See* 4 CCR 723-1-25(c).

13. Consistent with terms and conditions established in previous Commission decisions, Rocky Mountain Telecom, 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.

14. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 3, 2003.**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

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Commissioners