

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

DOCKET NO. 03A-353T

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**IN THE MATTER OF THE APPLICATION OF COMM SOUTH COMPANIES, INC.  
FOR A LETTER OF REGISTRATION TO PROVIDE EMERGING COMPETITIVE  
TELECOMMUNICATIONS SERVICES.**

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**ORDER GRANTING LETTER OF REGISTRATION**

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Mailed Date: September 19, 2003  
Adopted Date: September 17, 2003

**I. BY THE COMMISSION**

**A. Statement and Findings of Fact**

1. On August 13, 2003, Comm South Companies, Inc. (Comm South), filed a request for a Letter of Registration (LOR) to provide emerging competitive telecommunications services. 4 *Code of Colorado Regulations* (CCR) 723-25.

2. Specifically, Comm South seeks a LOR to provide intraLATA toll, interLATA toll, switched access, jurisdictional private line, and nonoptional operator services throughout the State of Colorado. Comm South's request does not seek any specific form of relaxed regulation.

3. Notice of the application was posted on the Commission's web site on August 15, 2003. Interventions were due on or before September 4, 2003. None were filed.

**B. Discussion**

4. In Decision No. C00-463, this Commission granted Comm South a Certificate of Public Convenience and Necessity (CPCN) to provide resold local exchange telecommunications service in certain portions of the State of Colorado where Qwest Corporation, formerly known as U S WEST Communications, Inc., is currently certified to provide local exchange

telecommunications service, and a CPCN to provide emerging competitive telecommunications services specifically advanced features and premium services, throughout the State of Colorado

5. Comm South has effective tariffs on file with the Commission.

6. The Commission finds that this matter may be considered without a hearing pursuant to § 40-6-109(5), C.R.S.

7. Granting Comm South's request is consistent with the legislative policy statements contained in § 40-15-101, C.R.S. Comm South has stated sufficient grounds to warrant the approval of its request. Therefore, a LOR will be granted.

8. Providers of non-optional operator services are given specific regulatory treatment. 4 CCR 723-18-5.3. This Order does not grant any other specific form of relaxed regulation.

## **II. ORDER**

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

1. Comm South Companies, Inc., is granted a Letter of Registration to provide intrastate, non-optional operator services throughout the State of Colorado. Comm South Companies, Inc., shall not provide intraLATA toll, interLATA toll, switched access, jurisdictional private line, and non-optional operator services in Colorado until: 1) the Commission approves its tariffs or price lists for relevant services; and 2) the applicant complies with applicable Commission rules and any conditions established by Commission order.

2. Within three years of the Mailing Date of this Decision and Order, Comm South Companies, Inc., shall file an advice letter containing a proposed tariff to become effective on not less than 30 days' notice. 4 *Code of Colorado Regulations* 723-25. If a Letter of

Registration for non-optional operator services has been granted, a tariff shall also include the relevant operator service rules. 4 *Code of Colorado Regulations* 723-18-6. Comm South Companies, Inc., may also file a separate price list with the tariff.

3. If Comm South Companies, Inc., fails to file a tariff and price list pursuant to ordering paragraph 2 above, this Decision and Order 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 Decision and Order, the Commission may grant Comm South Companies, Inc., additional time within which to file a tariff and price list.

4. Comm South Companies, Inc., will be required to participate in the High Cost Support Mechanism and the Public Utilities Commission Fixed Utilities Fund. Comm South Companies, Inc., shall participate in any other financial support mechanisms that may be created in the future to implement §§ 40-15-502(4) and (5), C.R.S. Failure to do so may result in revocation of the Letter of Registration.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 17, 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