

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

DOCKET NO. 03A-368T

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IN THE MATTER OF THE APPLICATION OF COMPUTER NETWORK TECHNOLOGY CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.

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**ORDER GRANTING APPLICATION**

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Mailed Date: September 24, 2003  
Adopted Date: September 24, 2003

**I. BY THE COMMISSION**

**A. Statement and Findings of Fact**

1. On August 25, 2003, Computer Network Technology Corporation (CNT) filed an application for a Certificate of Public Convenience and Necessity to provide local exchange 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 August 26, 2003. Interventions were due on or before September 15, 2003. None were filed.

3. On September 22, 2003, CNT 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 CNT 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 competitive telecommunications services, CNT 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. Computer Network Technology Corporation's application is deemed complete.
2. Computer Network Technology Corporation 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. Computer Network Technology Corporation's local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.
4. Computer Network Technology Corporation 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, Computer Network Technology Corporation shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

5. Unless the Commission orders otherwise, Computer Network Technology Corporation shall begin providing local exchange telecommunications services within three years after the grant of this Certificate of Public Convenience and Necessity. 4 CCR 723-25-6.

6. Before commencing operations under this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services, Computer Network Technology Corporation 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 CCR 723-1-41. Computer Network Technology Corporation may also file a separate price list with the proposed tariff.

7. If Computer Network Technology Corporation 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 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 Computer Network Technology Corporation additional time within which to file a tariff.

8. In accordance with the Commission's Rules of Practice and Procedure, Computer Network Technology Corporation will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles, 4 CCR 723-1-25(c).

9. Consistent with terms and conditions established in previous Commission decisions, Computer Network Technology Corporation 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.

10. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 24, 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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JIM DYER

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Commissioners