

Decision No. C03-1108

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03M-418T

IN RE: THE REJECTION OF TARIFFS FILED BY CYPRESS COMMUNICATIONS
OPERATING COMPANY, INC. WITH ADVICE LETTERS NOS. 2 AND 3.

**ORDER REJECTING ADVICE LETTERS
AND PROPOSED TARIFFS**

Mailed Date: September 29, 2003
Adopted Date: September 24, 2003

I. BY THE COMMISSION

A. Statement

1. On August 26, 2003, Cypress Communications Operating Company, Inc. (Cypress), filed Advice Letter Nos. 2 and 3. Cypress states that Advice Letter No. 2 is its Intrastate Telecommunications Tariff filed in compliance with Commission Decision No. C00-897. Advice Letter No. 2 is Cypress' Inter-exchange Telecommunications Tariff, also filed in compliance with Commission Decision No. C00-897.

2. On September 23, 2003, Cypress sent to the Commission by facsimile transmission a letter requesting that it be allowed to withdraw Advice Letter Nos. 2 and 3 due to the need to make revisions.

3. At the Commissioners' Weekly Meeting on September 24, 2003, the Commissioners were informed of the request to withdraw made by facsimile, and consequently held that Cypress had until the close of business September 25, 2003 to provide a hard copy of the requested withdrawal. None was received by this date.

B. Findings of Fact

4. The filings contain deficiencies that are sufficient to consider rejection. Advice Letter No. 2 lacks Cypress' service territory maps. These maps are required pursuant to its Certificate of Public Convenience and Necessity and are an integral portion of its tariff. In addition, Advice Letter No. 2 contains language related to customer credits for service outages in Section 2.10.1 that is inconsistent with Commission Rules at 4 *Code of Colorado Regulations* (CCR) 723-2.10.3. Section 2.3.2 of Advice Letter No. 2 contains language related to customer deposits, but lacks information related to disclosure and the payment of interest as required by Commission Rules 4 CCR 723-2.8.7 and 8.8. Additional deficiencies exist in the proposed tariff but are not specifically noted here, that are inconsistent with Commission rules and practices.

5. Cypress' Advice Letter No. 3 suffers from similar deficiencies as those noted for Advice Letter No. 2. While no maps are required for the Inter-exchange Telecommunications Tariff, other deficiencies were identified. Specifically, Section 2.10.1 contains language related to customer credits for service outages that is inconsistent with 4 CCR 723-25-2.10.3. Section 2.3.2 of Advice Letter No. 3 contains language related to customer deposits, but lacks information related to disclosure and to the payment of interest as required by 4 CCR 723-25-2.8.7 and 2.8.8. Additional deficiencies were identified in the tariff but are not noted here.

C. Conclusions

6. Due to the deficiencies in the filings identified above, we reject Colorado P.U.C. Tariff Nos. 2 and 3 filed by Cypress.

II. ORDER

A. The Commission Orders That:

1. Colorado P.U.C. Tariff Nos. 2 and 3 filed by Cypress Communications Operating Company, Inc., on August 26, 2003, are rejected.

2. 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

POLLY PAGE

JIM DYER

Commissioners