

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-448T

IN THE MATTER OF THE APPLICATION OF 4DVISION, LLC 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.

ORDER GRANTING APPLICATION

Mailed Date: November 19, 2003
Adopted Date: November 19, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On October 15, 2003, 4DVISION, LLC (4DVISION), 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 October 17, 2003. Interventions were due on or before November 6, 2003. None were filed.
3. On October 30, 2003, 4DVISION filed supplemental information at the request of Commission Staff. The responses supplemented and clarified the outstanding items in the docket.
4. Granting the application of 4DVISION is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.

5. Before providing local exchange and emerging competitive telecommunications services, 4DVISION 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. Applicant 4DVISION, LLC's application is deemed complete.
2. Applicant 4DVISION, LLC, 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. Applicant 4DVISION, LLC's local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.
4. Applicant 4DVISION, LLC, is granted a Letter of Registration to provide the following emerging competitive telecommunications services throughout the State of Colorado: premium services.
5. Applicant 4DVISION, LLC's emerging competitive telecommunications services will be regulated under the default regulatory scheme contained in 4 CCR 723-38.
6. Applicant 4DVISION, LLC, 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, 4DVISION, LLC, shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

7. Unless the Commission orders otherwise, 4DVISION, LLC, 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.

8. 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, 4DVISION, LLC, 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. Applicant 4DVISION, LLC, may also file a separate price list with the proposed tariff.

9. If 4DVISION, LLC, 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 4DVISION, LLC, additional time within which to file a tariff.

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

11. Consistent with terms and conditions established in previous Commission decisions, 4DVISION, LLC, 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.

12. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 19, 2003.**

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

ATTEST: A TRUE COPY

Bruce N. Smith
Director