

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-477T

IN THE MATTER OF THE APPLICATION OF KMC TELCOM V, 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.

ORDER GRANTING APPLICATION

Mailed Date: December 1, 2003
Adopted Date: November 26, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On October 30, 2003, KMC Telcom V, Inc. (KMC), 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 November 3, 2003. Interventions were due on or before November 24, 2003. None were filed.

B. Discussion

3. The application is unopposed and may be considered without a hearing. § 40-6-109(5), C.R.S.

4. Granting the application of KMC 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, KMC 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. KMC Telcom V, Inc.'s (KMC) application is deemed complete.
2. KMC 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. KMC's local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.
4. KMC 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 jurisdictional private line.
5. KMC's emerging competitive telecommunications services will be regulated under the default regulatory scheme contained in 4 CCR 723-38.
6. KMC 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, KMC shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

7. Unless the Commission orders otherwise, KMC shall begin providing local exchange and emerging competitive telecommunications services within three years after the grant of this Certificate of Public Convenience and Necessity. 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, KMC 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. KMC may also file a separate price list with the proposed tariff.

9. If KMC 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 KMC additional time within which to file a tariff.

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

11. Consistent with terms and conditions established in previous Commission decisions, KMC 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 26, 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

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Commissioners