

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-498T

IN THE MATTER OF THE APPLICATION OF COMTECH21, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES.

ORDER GRANTING APPLICATION

Mailed Date: December 18, 2003

Adopted Date: December 17, 2003

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On November 14, 2003, ComTech21, LLC (ComTech21), filed an application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services. 4 *Code of Colorado Regulations* (CCR) 723-25-4.

2. Notice of the application was posted on the Commission's web site on November 18, 2003. Interventions were due on or before December 8, 2003. None were filed.

3. On December 3, 2003, ComTech21 filed supplemental information at the request of Commission Staff. The responses supplemented and clarified the outstanding items in the docket.

4. On December 8, 2003, ComTech21 filed additional information with a Motion for Protective Order related to the information. The Commission will treat this Motion as a request for confidential treatment of information pursuant to our Rule 4 CCR 723-16.

5. Granting the application of ComTech21 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 and emerging competitive telecommunications services, ComTech21 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. ComTech21, LLC's (ComTech21) application is deemed complete.
2. The request made by ComTech21 for confidential treatment of information is granted pursuant to 4 *Code of Colorado Regulations* (CCR) 723-16.
3. ComTech21 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.
4. ComTech21's local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 CCR 723-38.
5. ComTech21 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, ComTech21 shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

6. Unless the Commission orders otherwise, ComTech21 shall begin providing local exchange within three years after the grant of this Certificate of Public Convenience and Necessity. *See* 4 CCR 723-25-6.

7. Before commencing operations under this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services ComTech21 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. ComTech21 may also file a separate price list with the proposed tariff.

8. If ComTech21 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 ComTech21 additional time within which to file a tariff.

9. In accordance with the Commission's Rules of Practice and Procedure, ComTech21 will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles. *See* 4 CCR 723-1-25(c).

10. Consistent with terms and conditions established in previous Commission decisions, ComTech21 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.

11. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 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