

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-527T

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

ORDER GRANTING APPLICATION

Mailed Date: January 15, 2004
Adopted Date: January 14, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On December 11, 2003, ZippyTech, Inc. (ZippyTech), 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 December 12, 2004. Interventions were due on or before January 2, 2004. None were filed.

3. On December 29, 2003, ZippyTech 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 ZippyTech 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 telecommunications services, ZippyTech 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. ZippyTech, Inc.'s (ZippyTech) application is deemed complete.
2. ZippyTech 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. ZippyTech's local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.
4. ZippyTech 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, ZippyTech shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.
5. Unless the Commission orders otherwise, ZippyTech shall begin providing local exchange telecommunications services within three years after the grant of this Certificate of Public Convenience and Necessity. *See* 4 CCR 723-25-6.
6. Before commencing operations under this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services, ZippyTech 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. ZippyTech may also file a separate price list with the proposed tariff.

7. If ZippyTech 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 ZippyTech additional time within which to file a tariff.

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

9. Consistent with terms and conditions established in previous Commission decisions, ZippyTech 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
January 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners