

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-162T

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IN THE MATTER OF THE APPLICATION OF BROADBAND COMMUNITIES OF COLORADO, INC. D/B/A BROADBAND COMMUNITIES OF COLORADO 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.

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**ORDER GRANTING APPLICATION**

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Mailed Date: May 14, 2004

Adopted Date: May 12, 2004

**I. BY THE COMMISSION**

**A. Statement and Findings of Fact**

1. On April 7, 2004, Broadband Communities of Colorado, Inc. (Broadband Communities), 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 April 9, 2004. Interventions were due on or before April 29, 2004. None were filed.

3. On April 22, 2004, Broadband Communities filed responses to questions posed by Staff of the Colorado Public Utilities Commission. Those responses completed the initial application.

**B. Discussion**

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

5. Granting the application of Broadband Communities 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 services and emerging competitive services, Broadband Communities 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. Broadband Communities of Colorado, Inc.'s application is deemed complete.

2. Broadband Communities of Colorado, Inc., is granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services. A detailed description of the applicant's service territory will be delineated in the local exchange maps filed with the tariff.

3. Broadband Communities of Colorado, Inc.'s local exchange telecommunications services and emerging competitive telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.

4. Broadband Communities of Colorado, Inc., is granted a Letter of Registration to provide the following emerging competitive telecommunications service throughout the State of

Colorado: advanced features; interLATA toll; intraLATA toll; premium services; jurisdictional private line services; non-optional operator services; and switched access.

5. Broadband Communities of Colorado, Inc.'s emerging competitive telecommunications services, with the exception of non-optional operator services, will be regulated under the default regulatory scheme contained in 4 CCR 723-38.

6. Broadband Communities of Colorado, Inc.'s non-optional operator services will be regulated under the default regulatory scheme contained in 4 CCR 723-18.

7. Broadband Communities of Colorado, Inc., 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, Broadband Communities of Colorado, Inc., shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

8. Unless the Commission orders otherwise, Broadband Communities of Colorado, Inc., shall begin providing local exchange and emerging competitive services within three years after the grant of this Certificate of Public Convenience and Necessity and Letter of Registration. 4 CCR 723-25-6.

9. 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, Broadband Communities of Colorado, Inc., 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.

Broadband Communities of Colorado, Inc., may also file a separate price list with the proposed tariff.

10. If Broadband Communities of Colorado, Inc., 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 Broadband Communities of Colorado, Inc., additional time within which to file a tariff.

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

12. Consistent with terms and conditions established in previous Commission decisions, Broadband Communities of Colorado, Inc., 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) if applicable, 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.

13. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
May 12, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners