

Decision No. C04-0694

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-262T

IN THE MATTER OF THE APPLICATION OF BRESNAN BROADBAND OF COLORADO, LLC FOR A LETTER OF REGISTRATION TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICES.

ORDER GRANTING APPLICATION

Mailed Date: June 25, 2004
Adopted Date: June 22, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On April 29, 2004, Bresnan Broadband of Colorado, LLC (Bresnan Broadband) filed an application for 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 May 26, 2004. Interventions were due on or before June 15, 2004. None were filed.

3. On June 17, 2004, Bresnan Broadband 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 Bresnan Broadband 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 emerging competitive telecommunications services, Bresnan Broadband 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. Bresnan Broadband of Colorado, LLC's application is deemed complete.
2. Bresnan Broadband of Colorado, LLC is granted a Letter of Registration to provide emerging competitive telecommunications services throughout the State of Colorado for jurisdictional private line services.
3. Bresnan Broadband of Colorado, LLC's emerging competitive telecommunications services, with the exception of non-optional operator services, will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.
4. Bresnan Broadband of Colorado, LLC shall serve customers on a statewide basis in a non-discriminatory manner. However, Bresnan Broadband of Colorado, LLC shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

5. Unless the Commission orders otherwise, Bresnan Broadband of Colorado, LLC shall begin providing emerging competitive telecommunications services within three years after the grant of this Letter of Registration. 4 CCR 723-25-6.

6. Before commencing operations under this Letter of Registration to provide emerging competitive telecommunications services, Bresnan Broadband of Colorado, LLC shall file an Advice Letter containing a proposed tariff to become effective on not less than 30 days' notice. 4 CCR 723-1-41. Bresnan Broadband of Colorado, LLC may also file a separate price list with the proposed tariff.

7. If Bresnan Broadband of Colorado, LLC fails to file an effective tariff within three years from the Mailing Date of this Order, 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 Bresnan Broadband of Colorado, LLC additional time within which to file a tariff.

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

9. Consistent with terms and conditions established in previous Commission decisions, Bresnan Broadband of Colorado, 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.

10. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 22, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners