

Decision No. C04-1490

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-597T

IN THE MATTER OF THE APPLICATION OF PHONE1, INC. FOR LETTER OF
REGISTRATION TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS
SERVICES.

ORDER GRANTING APPLICATION

Mailed Date: December 17, 2004
Adopted Date: December 15, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On November 12, 2004, Phone1, Inc. (Phone1), 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 November 15, 2004. Interventions were due on or before December 6, 2004. None were filed.

3. Phone1, on December 2, 2004, filed responses to a request for additional information by the 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 Phone1 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, Phone 1 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. Phone1, Inc.'s application is deemed complete.
2. Phone1, Inc. is granted a Letter of Registration to provide the following emerging competitive telecommunications services throughout the State of Colorado: interLATA toll; intraLATA toll; and non-optional operator services.
 3. Phone1, 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 *Code of Colorado Regulations* (CCR) 723-38.
 4. Phone1, Inc.'s non-optional operator services will be regulated under the default regulatory scheme contained in 4 CCR 723-18.
 5. Unless the Commission orders otherwise, Phone1, Inc. 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, Phone1, Inc. shall file an Advice Letter containing a proposed tariff to become effective on not less than 30 days' notice. 4 CCR 723-1-41.

7. If Phone1, 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 Phone1, Inc. additional time within which to file a tariff.

8. In accordance with the Commission's Rules of Practice and Procedure, Phone1, Inc. 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, Phone1, 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), 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
December 15, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners