

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20U-0357T

IN THE MATTER OF THE PETITION FOR THE DECLARATION OF TELEPORT COMMUNICATIONS AMERICA, LLC OF INTENT TO SERVE WITHIN TERRITORY OF RURAL TELECOMMUNICATIONS PROVIDERS.

DECISION GRANTING PETITION

Mailed Date: November 5, 2020

Adopted Date: October 14, 2020

I. BY THE COMMISSION

A. Statement

1. On August 26, 2020, Teleport Communications America, LLC (TCA), filed a petition stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider (Petition) pursuant to Rules 2003(a)(III) and 2107 of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2.

2. TCA intends to provide the provision of interconnected Voice over Internet Protocol (VoIP). TCA will need local trunks to interconnect with the local exchange provider's TDM Network. TCA will not be providing TDM service to retail customers.

3. The services to be provided are located in the serving territory of Plains Cooperative Telephone Association Inc. The company intends to provide these services in the Anton, Cope, Eckley, Idalia, Joes, Kirk, and Vonasebert exchanges.

4. On August 28, 2020, a notice of the application was provided to all persons, firms, or corporations, interested in or affected by the grant or denial of the requested relief. A

supplemental filing from the applicant was made on September 4, 2020, correcting Plains Cooperative Telephone Association Inc.'s mailing address. Causing a subsequent notice to be issued by the Commission on September 8, 2020. Notifications to Intervene were due on or before October 8, 2020.

5. TCA has represented in its Petition that it has directly notified Plains Cooperative Telephone Association Inc., the rural incumbent affected, by first class mail, of their Declaration of Intent to Serve. This is a requirement in Rule 2107.

6. No petition to intervene or notice of intervention has been filed, and thus the Petition is uncontested. Accordingly, the Petition will be determined without a formal hearing in accordance with § 40-6-109(5), C.R.S., and Rule 1403 of the Rules of Practice and Procedure, 4 CCR 723-1.

B. Discussion

7. The service territory of Plains Cooperative Telephone Association Inc. is currently open to competitive providers and competitive entry. The service territory of Plains Cooperative Telephone Association Inc. is also subject to competition as demonstrated with interconnection agreements (including Proceeding Nos. 06T-107 and 06T-211).

8. TCA was granted a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications by Decision No. C00-1224, Proceeding No. 00O-535T, mailed date November 1, 2000.

9. In 2014, the General Assembly passed telecom deregulation legislation that reclassified many services into Part 4 of Title 40, Article 15. *See* § 40-15-401, C.R.S. Subject to certain exceptions, including those for basic service as provided in § 40-15-401(1)(b), C.R.S., products, services, and providers listed in § 40-15-401, C.R.S. (Part 4), “are exempt from

regulation under this article 15 or under the ‘Public Utilities Law’ of the state of Colorado.” § 40-15-401(1), C.R.S. Section 402 also emphasizes the deregulatory status of services listed in section 401, by stating: “Nothing in articles 1 to 7 of this title [40] or parts 2 and 3 of this article [15] shall apply to deregulated services and products pursuant to this part 4.” § 40-15-402(1), C.R.S.

10. We acknowledge that TCA’s services are no longer regulated under Part 2 of § 40-15-201, C.R.S., but TCA is requesting approval of its intent to serve pursuant to Rule 2107 adopted September 1, 2017. The Commission, by this Decision, is not asserting jurisdiction over TCA’s services.

11. The Commission updated its existing telecommunications rules to be consistent with the 2014 Telecommunications Reform Legislation. *See Proceeding No. 16R-0453T*. The 2014 Telecommunications Reform Legislation made changes that no longer require Commission authorization (a CPCN) to offer deregulated local exchange service.

12. The Federal Telephone Numbering Administrator that assigns the thousand block pooling of numbers to providers, requires that the company provide state commission approval as part of its required documentation to obtain telephone numbers to offer competitive services in rural areas. TCA requires the NPA-NXX-x blocks in each of the rate centers listed above in order to provide its standard VoIP product offerings. The Commission will consider TCA’s Petition but affirms that it does not assert any jurisdiction over deregulated services of local exchange services. The Company intends to provide these services in the Anton, Cope, Eckley, Idalia, Joes, Kirk, and Vonasebert exchanges.

13. We find that granting TCA’s Petition is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S., the

Telecommunications Act of 1996, 47 U.S.C. § 251, and with the public interest in TCA to provide competitive services in the requested rural exchanges.

II. ORDER

A. The Commission Orders That:

1. The Petition filed by Teleport Communications America, LLC (TCA) on August 26, 2020 stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider to serve in the Anton, Cope, Eckley, Idalia, Joes, Kirk, and Vonasebert exchanges is granted. Notwithstanding the granting of the Petition, the Commission is not exerting jurisdiction over TCA's services.

2. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 14, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners