

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20U-0487T

IN THE MATTER OF THE PETITION FOR DECLARATION OF INTENT OF LEVEL 3 COMMUNICATIONS LLC TO SERVE WITHIN THE TERRITORY OF A RURAL TELECOMMUNICATIONS PROVIDER, AS PROVIDED IN RULE 2107.

COMMISSION DECISION GRANTING PETITION

Mailed Date: December 16, 2020

Adopted Date: December 16, 2020

I. BY THE COMMISSION

A. Statement

1. On November 12, 2020, Level 3 Communications, LLC (Level 3 or Company), 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. Level 3 intends to offer the provision of interconnected Voice over Internet Protocol (VoIP). Level 3 will need local trunks to interconnect with the local exchange provider's TDM Network. Level 3 will not be providing TDM service to retail customers.

3. The services to be provided are located in the serving territory of CenturyTel of Eagle, Inc. The Company intends to provide these services in the Edwards exchange.

4. On November 12, 2020 a notice of the petition was provided to all persons, firms, or corporations, interested in or affected by the grant or denial of the requested relief. Interventions were due on or before December 14, 2020. Level 3 has represented in its Petition that it has directly

notified CenturyTel of Eagle, Inc. the rural incumbent affected, by first class mail, of its Declaration of Intent to Serve. This is a requirement to Rule 2107.

5. 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

6. The service territory of CenturyTel of Eagle, Inc. is currently open to competitive providers and competition. The service territory of CenturyTel of Eagle, Inc. is also subject to competition as demonstrated with interconnection agreements (including Proceeding Nos. 03T-066 Verizon; 05T-251 Colorado & Global4; and 08T-087 Zippy Tech)

7. Level 3 was granted a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications by Decision No. C98-373, in Proceeding No. 98A-092T, mailed April 8, 1998.

8. 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 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.

9. We acknowledge that Level 3's services are no longer regulated under Part 2 of § 40-15-201, C.R.S., but Level 3 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 Level 3's services.

10. 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.

11. 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. Level 3 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 Level 3'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 Edwards exchange.

12. We find that granting Level 3'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 Level 3 to provide competitive services in the requested rural exchange.

II. ORDER

A. The Commission Orders That:

1. The Petition filed by Level 3 Communications, LLC on November 12, 2020 stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider to

serve in the Edwards exchange is granted. Notwithstanding the granting of the Petition, the Commission is not exerting jurisdiction over Level 3 Communications LLC 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
December 16, 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 C. GAVAN

MEGAN GILMAN

Commissioners