

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0507T

IN THE MATTER OF THE APPLICATION OF UNITI NATIONAL LLC FOR AN ORDER GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE PART IV SERVICES AND A LETTER OF REGISTRATION TO PROVIDE SWITCHED ACCESS SERVICES.

**COMMISSION DECISION GRANTING
APPLICATION WITH CONDITIONS**

Mailed Date: January 7, 2021
Adopted Date: January 6, 2021

I. BY THE COMMISSION

A. Statement

1. By this Decision, we grant, with conditions set forth below, the application of Uniti National LLC for a Certificate of Public Convenience and Necessity (CPCN) to provide Part IV services in Colorado, as discussed below.

B. Background

2. On November 18, 2020, Uniti National LLC filed an Application for a CPCN to provide Part IV services (Application). Uniti National LLC seeks to provide private lines, large bandwidth transport and backhaul services in Colorado.

3. On November 19, 2020 notice of the Application was provided to all persons, firms or corporations, interested in or affected by the grant or denial of the request. Interventions were due on or before December 21, 2020. No interventions were received in this proceeding.

4. On December 28, 2020, Uniti National LLC filed an amendment to their Application, seeking to withdraw its request for a Letter of Registration (LOR) to provide switched access services.

5. On December 29, 2020, Uniti National LLC filed a statement of its willingness to provide financial assurance as a condition of obtaining the requested authority, pursuant to a Commission Staff calculation based upon projected revenue. Uniti National LLC agrees to provide the Commission financial assurance in the form of a bond or a letter of credit in the amount of \$14,000 as a condition of obtaining its CPCN.

C. Discussion

6. No one has filed an intervention opposing the Application. We therefore find that the Application is unopposed and consider it without a formal hearing pursuant to § 406-109(5), C.R.S.

7. The Commission modified its Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2 (Proceeding No. 16R-0453T, with an effective date of September 1, 2017). The modified rules allow providers offering Part IV services under § 40-15-401, C.R.S., to apply to the Commission to obtain a CPCN. No CPCN is required for services classified in Part IV of Article 15 of Title 40 of the Colorado Revised Statutes. Pursuant to § 40-15-503.5, C.R.S., and Commission Rule 2111, 4 CCR 723-2, the Commission may require an applicant requesting an operating authority to post a bond or provide other security as a condition of obtaining a Commission operating authority.

8. Due to the financial information provided by Uniti National LLC, we conclude that financial assurance for the issuance of a CPCN is necessary and appropriate in the form of either a bond or a letter of credit is appropriate and shall be required to be posted with the Commission under the terms and conditions specified in the Attachments to this Decision. The issuance of a bond or letter of credit is consistent with previously issued Commission decisions granting CPCNs when financial fitness is an issue. Section 40-15-503.5, C.R.S., and Commission Rule 2111 allow

the Commission to impose a bond or other security as a condition of obtaining an operating authority.

9. With the issuance of this authority, Uniti National LLC must: (1) file a bond or letter of credit consistent with the terms and conditions in the Attachments to this Decision; and (2) comply with all applicable statutory and regulatory requirements pursuant to Rule 4 CCR 723-2-2103(a)(XVI).

II. ORDER

A. The Commission Orders That:

1. Uniti National LLC is granted a Certificate of Public Convenience and Necessity (CPCN) to provide Part IV on a statewide basis with the conditions included herein.

2. Uniti National LLC is not required to create and provide tariffs to the Commission.

3. Uniti National LLC shall not unjustly discriminate among customers in the same class of service, per Commission Rule 4 *Code of Colorado Regulations* 723-2-2103.

4. Before commencing operations under this CPCN to provide Part IV services, Uniti National LLC shall file with the Commission, financial assurance in the form of a bond or letter of credit consistent with the terms and conditions as described in the Attachments to this Decision.

5. If Uniti National LLC fails to file financial assurance within one year from the Mailed Date of this Decision, this CPCN to provide Part IV services shall be deemed null and void without further action of the Commission. For good cause shown, and if a proper request is filed within one year of the Mailed Date of this Decision, the Commission may grant additional time within which to file financial assurance.

6. Consistent with terms and conditions established in previous Commission decisions, Uniti National LLC will be required to contribute, as prescribed by statute, rule or order

of the Commission, based on the entirety of its intrastate services regardless of the technology, to the Public Utilities Commission's Telecommunications Utilities Fund, the Colorado High Cost Support Mechanism, the Colorado Telephone Users Disabilities Fund, the Statewide 9-1-1 Surcharge Trust Cash 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.

7. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 6, 2021.**

(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