

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21U-0056T

IN THE MATTER OF THE PETITION FOR THE DECLARATION OF COMPLETE
TELECOMMUNICATIONS, INC. (VISIONARY COMMUNICATIONS INC.) OF INTENT TO
SERVE WITHIN TERRITORY OF RURAL TELECOMMUNICATIONS PROVIDERS.

COMMISSION DECISION GRANTING PETITION

Mailed Date: March 3, 2021
Adopted Date: March 3, 2021

I. BY THE COMMISSION

A. Statement

1. On January 22, 2021, Complete Telecommunications, Inc. (Petitioner, Company or Complete), 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. On January 13, 2021, Complete filed an Adoption Notice before the Commission to rename Petitioner Complete Telecommunications, Inc. to Visionary Communications, Inc. Petitioner will provide services subject to this Petition under the name Visionary Communications, Inc.

3. Complete will provide local exchange services to end-users via Internet and private line services including residential and business phone service through Voice over Internet Protocol (VoIP) technology. Complete provides telecommunications services over its own wireless and fiber network elements and augments with third-party leased fiber and lit services wherever necessary.

4. The services to be provided are located in the serving territories of CenturyTel of Colorado, Inc. d/b/a CenturyLink and CenturyTel of Eagle, Inc. d/b/a CenturyLink. The Company intends to provide these services in the Pagosa Springs, Pagosa Springs West, and Walden exchanges.

6. On January 26, 2021, 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. Interventions were due on or before February 25, 2021.

7. Complete has represented in its Petition that it has directly notified CenturyTel of Colorado and CenturyTel of Eagle the rural incumbent affected, by first class mail, of their Declaration of Intent to Serve. A subsequent notice was issued by Complete Telecommunication Inc. to both CenturyTel of Colorado and CenturyTel of Eagle in response to Commission Staff's deficiency letter, correcting the designated agent, pursuant to Rule 2107.

8. 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

1. The service territory of CenturyTel of Colorado, Inc. d/b/a CenturyLink is currently open to competitive providers and competitive entry. The service territory of CenturyTel of Colorado, Inc. d/b/a CenturyLink, is also subject to competition as demonstrated with interconnection agreements (including, Proceeding Nos. 02T-477 and 06T-407).

2. The service territory of CenturyTel of Eagle, Inc. d/b/a CenturyLink is currently open to competitive providers and competitive entry. The service territory of CenturyTel of Eagle,

Inc. d/b/a CenturyLink, is also subject to competition as demonstrated with interconnect agreements (including, Proceeding Nos. 02T-479, 03T-066, and 05T-251).

3. Neither CenturyTel of Colorado, Inc. d/b/a CenturyLink nor CenturyTel of Eagle, Inc. d/b/a CenturyLink have filed a protest or a request for intervention in the Petition.

4. Complete was granted a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications by Decision No. C00-0526, in Proceeding No. 00A-181T, mailed date May 23, 2000.

5. 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.

6. We acknowledge that Complete’s services are no longer regulated under Part 2 of § 40-15-201, C.R.S., but Complete 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 Complete’s services.

7. 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.

8. 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. Complete 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 Complete'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 Pagosa Springs, Pagosa Springs West, and Walden exchanges.

9. We find that granting Complete'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 Complete to provide competitive services in the requested rural exchanges.

II. ORDER

A. The Commission Orders That:

1. The Petition filed by Complete Telecommunications, Inc on January 22, 2021, stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider to serve in the Pagosa Springs, Pagosa Springs West, and Walden exchanges is granted. Notwithstanding the granting of the Petition, the Commission is not exerting jurisdiction over Complete Telecommunications, Inc'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
March 3, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners