

Decision No. C22-0759

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 22A-0456T

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IN THE MATTER OF THE APPLICATION OF THRIVE BROADBAND, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) TO PROVIDE PART IV SERVICES (4 CCR 723-2-2103).

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**COMMISSION DECISION GRANTING APPLICATION**

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Mailed Date: November 28, 2022

Adopted Date: November 23, 2022

**I. BY THE COMMISSION**

**A. Statement**

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

**B. Background**

1. On October 20, 2022, Thrive Broadband, LLC filed an Application for a CPCN to provide Part IV services. Specifically, Thrive Broadband, LLC seeks to provide broadband and VOIP service throughout the state of Colorado, pursuant to Rule 2103 of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2.

2. On October 21, 2022, 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 November 21, 2022. No interventions were received in this proceeding.

3. On November 15, 2022, Thrive filed its Colorado Secretary of State, Certificate of Good Standing and updated its notarized affidavit.

### **C. Discussion**

1. 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.

2. The Commission modified its Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 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.

3. With the additional financial information provided by Thrive, and the Colorado Secretary of State Certificate of Good Standing filed on November 15, 2022, we conclude that the financial fitness, for the issuance of a CPCN, has been met.

4. With the issuance of this authority, Thrive must: comply with all statutory and regulatory requirements pursuant to Rule 2103(a)(XVI), 4 CCR 723-2.

**II. ORDER**

**A. The Commission Orders That:**

1. Thrive is granted a Certificate of Public Convenience and Necessity to provide Part IV services on a statewide basis.

2. Thrive is not required to create and provide tariffs to the Commission.

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

4. Consistent with terms and conditions established in previous Commission decisions, Thrive 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, the Statewide 9-8-8 Surcharge and other financial support mechanisms that may be created in the future by the Commission to implement §§ 4015-502(4) and (5), C.R.S.

5. 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.

6. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 23, 2022.**

( S E A L )



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners