

Decision No. C05-1261

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 05R-440T

IN THE MATTER OF EMERGENCY RULES RELATING TO THE DEREGULATION OF
INTRALATA INTEREXCHANGE TELECOMMUNICATIONS SERVICES FOR
TELECOMMUNICATIONS SERVICE PROVIDERS AND TELEPHONE UTILITIES.

ORDER ADOPTING EMERGENCY RULES

Mailed Date: October 19, 2005
Adopted Date: October 19, 2005

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for adoption of emergency rules relating to the deregulation of intraLATA interexchange telecommunications services (intraLATA toll services) for telecommunications services providers and telephone utilities 4 *Code of Colorado Regulations* (CCR) 723-38-10, pursuant to Commission Decision No. C05-0802 in consolidated Docket Nos. 04A-411T and 04D-440T. For the reasons set forth in this Decision, we now adopt on an emergency basis (*i.e.*, without compliance with the rulemaking requirements for permanent rules set forth in § 24-4-103, C.R.S.) the rules appended to this Decision. We take this action in accordance with the provisions of § 24-4-103(6), C.R.S.

2. Generally, the purpose of the rules adopted by this Decision is to set the procedure for providers of intraLATA toll services to apply for deregulation of such service. These rules are enacted pursuant to the provisions enumerated in Decision No. C05-0802.

3. These rules also further the intent contained in Decision No. C05-0802, to streamline the process for the providers of such service when applying to deregulate intraLATA toll services.

4. Therefore, we adopt these emergency rules as necessary for the expeditious processing of an application by a provider of intraLATA toll to seek deregulation of such services.

5. Rule 38-10.4 sets forth the procedure for the application for deregulation of an emerging competitive telecommunications service in accordance with §§ 40-15-305 and 306. Rule 38-10.4 is applicable to the deregulation of all emerging competitive telecommunications services, which includes intraLATA toll. In Decision No. C05-0802, the Commission granted the authority to adopt a process to streamline the procedure for authority to deregulate intraLATA toll for providers who choose to do so. Section 40-15-305, C.R.S. allows the deregulation of specific emerging competitive telecommunications services upon a finding that effective competition exists in the relevant market for such service, and the deregulation will promote the public interest. We made such specific statutory findings in the above-mentioned combined Dockets.

6. Rule 38-10.4 sets forth the required contents of the application to deregulate intraLATA toll.

7. We adopt the attached rules on an emergency basis in accordance with the provisions of § 40-15-306, C.R.S. and § 24-4-103(6), C.R.S. We find that immediate adoption of the rules is imperative and necessary to provide a process for applicants seeking deregulation of intraLATA toll.

8. As grounds for these findings, we state: It is necessary to adopt these emergency rules to ensure that the application process for the deregulation of intraLATA toll may be implemented in Colorado in a timely manner.

9. Failure to adopt these rules on an emergency basis would delay action on this matter for several months. These rules provide for a streamlined and consistent process for providers who wish to seek deregulation of intraLATA toll. Implementation of this streamlined application process would be unduly delayed without these rules.

10. Therefore, emergency adoption of the attached rules is appropriate. The statutory authority for promulgation of these rules is set forth in §§ 24-4-103(6), 40-2-108, and 40-4-101, C.R.S. The rules attached to this order shall be effective immediately upon the mailed date of this Decision, and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

II. ORDER

A. The Commission Orders That:

1. Emergency Rule 723-38-10.4 appended to this Decision as Attachment A is hereby adopted as an emergency rule consistent with the above discussion.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 19, 2005.**

(SEAL)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

CARL MILLER

Commissioners

APPLICATION FOR DEREGULATION OF INTRALATA TOLL RULE

723-38-10.4 DEREGULATION OF INTRALATA INTEREXCHANGE TELECOMMUNICATIONS SERVICES.

To apply for deregulation of intraLATA interexchange telecommunications services (intraLATA toll services), pursuant to Section 40-15-306 C.R.S., a provider shall file an application with the Commission. The applicant may complete the Commission-issued application form, or may file a separate pleading with the information and documentation set forth below.

Contents of Application. The Application shall contain the following information:

- 723-38-10.4.1 Applicant's name, complete mailing address (street, city, state and zip code), telephone number, and the name(s) under which the applicant is providing intraLATA toll services in Colorado, the name of the person filing the application, the representative's title or relationship to the Applicant and e-mail address of the representative;
- 723-38-10.4.2 Name, mailing address, telephone number and e-mail address of the person to contact for questions about the application;
- 723-38-10.4.3 Commission Decision number. which granted the Applicant the authority to provide intraLATA toll services (the Decision which granted a CPCN or LOR, whichever is applicable);
- 723-38-10.4.4 Whether the Applicant provides toll service on a resale basis from another facilities-based provider;
- 723-38-10.4.5 Whether the Applicant has effective tariffs on file with the Commission for the offering of intraLATA toll;
- 723-38-10.4.6 Acknowledgement that within 10 days of Commission approval to deregulate the Applicant's intraLATA toll authority, the Applicant shall make a compliance filing(s) in the form of an Advice Letter and/or Transmittal Letter (whichever is applicable), effective on not less than one-days notice, to modify its effective tariff and/or price list by deleting all reference to intraLATA toll offerings or identify intraLATA toll offerings as deregulated by the Commission; and
- 723-38-10.4.7 An affidavit signed by an officer, partner, owner, or employee, as appropriate, who is authorized to act on behalf of the Applicant, stating that the contents of the application are true, accurate, and correct and that the Applicant will fully comply with all of the requirements in the Decision which grants the authority to deregulate its intraLATA toll services.