

Decision No. C05-1428

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 05R-509T

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

ORDER ADOPTING EMERGENCY RULES

Mailed Date: December 7, 2005

Adopted Date: December 7, 2005

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for adoption of emergency rules relating to the deregulation of interLATA interexchange telecommunications services (interLATA toll services) for telecommunications services providers and telephone utilities 4 *Code of Colorado Regulations* (CCR) 723-2-2170, 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 emergency rules attached to this Decision.

2. Generally, the purpose of the rules adopted by this Decision is to affirm that interLATA toll services are no longer regulated for any provider of such service. Section 40-15-305, C.R.S. allows for the deregulation of specific emerging competitive telecommunications services upon a finding that effective competition exists in the relevant market for such service

and that deregulation will promote the public interest. We made such specific statutory findings in Decision No C05-0802.

3. New rule 2170 (a) states that interLATA toll services are not regulated by the Commission except as provided for in § 40-15-112, C.R.S. (relating to the slamming of a customer's chosen provider of telecommunications services) and § 40-15-113, C.R.S. (relating to unauthorized charges placed on a customer's bill).

4. New rule 2170 (b) references rule 2210 regarding the process for applying for deregulation of intraLATA interexchange telecommunications services by a provider of such services.

5. As grounds for these findings, we state: It is necessary and appropriate to adopt these rules on an emergency basis to ensure that the deregulation of interLATA toll is implemented in Colorado in a timely manner. 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of § 40-15-306, C.R.S. and § 24-4-103(6), C.R.S. We also note that to the extent these rules conflict with the repealed and re-enacted telecommunications rules in Docket No. 03R-524T, these rules shall supersede those repealed and re-enacted rules.

6. 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 2170 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
December 7, 2005.**

(SEAL)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

CARL MILLER

Commissioners

Operator Services and Interexchange Telecommunication Services

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to identify and describe operator services that are subject to Commission regulation; to distinguish operator services subject to the Commission's jurisdiction from those not subject to the Commission's jurisdiction; to prescribe the regulatory treatment of jurisdictional services; and to identify alternative forms of regulatory treatment for such services and providers when appropriate.

The statutory authority for the promulgation of these rules is found at §§ 40-3-101; 40-15-112; 40-15-113; 40-15-201; 40-15-301(1) and (2)(g); 40-15-302(1)(a) and (5); and 40-2-108, C.R.S.

2170. Interexchange Telecommunications Services.

- (a) InterLATA interexchange telecommunications services are not regulated by the Commission except as provided for in §§ 40-15-112 and 40-15-113 C.R.S.
- (b) Pursuant to § 40-15-306, C.R.S., intraLATA interexchange telecommunications services are regulated by the Commission unless a provider of such services has filed an application for deregulation and that application has been approved by the Commission. See Rule 2210 of the Commission's rules regarding the deregulation of intraLATA interexchange telecommunications services.

2171. – 2179. [Reserved].