

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 12M-137T

IN THE MATTER OF THE FILING OF ANNUAL REPORTS IN ACCORDANCE WITH RULE 4 CCR 723-2-2006 BY CARRIERS HOLDING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OR A LETTER OF REGISTRATION TO PROVIDE TELECOMMUNICATIONS SERVICES IN THE STATE OF COLORADO, OR REGISTERED TO RESELL INTRASTATE TOLL SERVICE.

**ORDER CONCERNING FILING OF
YEAR 2011 ANNUAL REPORTS BY
TELECOMMUNICATIONS SERVICE PROVIDERS**

Mailed Date: February 17, 2012

Adopted Date: February 9, 2012

I. BY THE COMMISSION

A. Statement

1. In accordance with Rule 2006 of the Commission's Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* 723-2, each telecommunications service provider over which the Commission has jurisdiction is required to file an annual report on or before April 30th for the preceding calendar year. Rule 2006 states that the annual report shall be submitted on forms prescribed by the Commission and requires that regulated utilities file any additional reports specified by the Commission.

2. This Order specifies the forms to be filed by telecommunications utilities for the 2011 reporting year. These utilities shall submit the annual report in accordance with the requirements listed on Appendix A to this Order. The annual report forms are found on the Commission's website at www.dora.state.co.us/puc.

3. All telecommunications utilities must also submit a copy of the Colorado Department of Revenue's Annual Report of Public Utility Intrastate Gross Operating Revenue,

Form DR 0525 required by the Department of Revenue, to the Commission. This form may also be found on the Commission's website.

B. Conclusion

4. The Commission finds that each utility holding a Certificate of Public Convenience and Necessity or Letter of Registration to provide telecommunications services, or that is registered to provide resold intrastate toll services, in accordance with Title 40 of the Colorado Revised Statutes during calendar year 2011 shall file an annual report in the form prescribed here. Such reports shall be filed no later than April 30, 2012, in compliance with Rule 2006 of the Commission's Rules Regulating Telecommunications Providers, Services, and Products. Each filing telecommunications service provider shall also file a copy of Form DR 0525 with the Commission no later than April 30, 2012.

5. Each filing utility is required to identify the individual authorized to file on its behalf and designated as the Annual Report Contact. If no specific designation is made to the Commission, an officer of the utility will be considered as the Annual Report Contact for the purpose of this filing requirement. The Commission notes that, in accordance with § 40-7-106, C.R.S., every officer, agent, or employee of any public utility who violates or fails to comply with, or who aids or abets any violation by any public utility of, among other things, any order, decision, or rule of this Commission, commits a Class 2 Misdemeanor and may be subject to penalties, including without limitation, penalties set forth in § 18-1.3-501, C.R.S.

6. A utility subject to this Order may file a motion for extension of time to file its annual report with the Commission. The motion may be granted if good cause is shown why it is unable to comply with the April 30, 2012 deadline. Such motion shall not include a request for extension of time to file Form DR 0525. Motions for extension of time shall be referred to an Administrative Law Judge for disposition.

II. ORDER

A. The Commission Orders That:

1. On or before April 30, 2012, each utility holding a Certificate of Public Convenience and Necessity or a Letter of Registration to provide telecommunications services, or that are registered to resell intrastate toll services in Colorado during the 2011 calendar year, shall file an annual report in the form prescribed in this Order, and any additional reports as required by Appendix A to this Order.

2. Each utility shall also submit a copy of the Colorado Department of Revenue Form DR 0525 no later than April 30, 2012. Entities may not request an extension of time to file that report.

3. This matter is referred to an Administrative Law Judge for disposition of all motions and pleadings.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 9, 2012.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

JAMES K. TARPEY

MATT BAKER

Commissioners

General Instructions

- ✓ The Annual Report is available in electronic form on the Colorado Public Utilities Commission's web site at:

<http://www.dora.state.co.us/puc/applications/TelecomApplications/AnnualReportRequirements.htm>

- ✓ The Annual Report form has been revised. **Please do not use a prior year's version.**
- ✓ The electronic version of the Annual Report includes formulas. Lines containing formulas are highlighted in yellow on the report. Those lines have been password protected; please do not attempt to enter numerical values on those lines. If you are completing the Annual Report manually, please continue to compute totals for each section.
- ✓ The Department of Revenues Form DR 0525 has been incorporated into the workbook. After completing the DR0525, **print and sign it.** Mail it to:

Colorado Department of Revenues
PUC: Excise Tax Accounting Section
1375 Sherman Street, Room 237
Denver, CO 80261

- ✓ If you have any questions regarding completion of the annual report or **if you do not have access to the Internet and need the forms mailed to you**, please contact Judy Swinnerton at 303-894-2856.

Filing Deadline

- ✓ Annual Reports shall be filed no later than **April 30, 2012**, for the reporting period ended December 31, 2010.
- ✓ If you are not able to file the Annual Report by the April 30, 2012 deadline, you must file a Motion for an Extension of Time to File for a period not to exceed 30 days. The motion must state good cause why you are unable to meet the filing deadline. If granted, this extension of time **shall not apply** to the deadline for filing the copy of the DR 0525.

How to File the Annual Report

- ✓ Please send an electronic executable copy of the workbook to the following e-mail address: Judith.Swinnerton@dora.state.co.us. **DO NOT E-MAIL A NON-EXECUTABLE (E.G., PDF) FILE. Alternatively, an electronic executable workbook can be filed through E-Filings at:**

<https://www.dora.state.co.us/pls/efi/EFI.homepage>

- ✓ **The *PREFERRED METHOD* of filing the annual report is through the E-Filings System. The filing must include the annual report, your most recent CPA audit report, and a copy of the Colorado Department of Revenue's Form DR 0525 ("Report of Gross Operating Revenues"). Note, please use the docket number, 12M-137T for the proceeding number when E-filing.**

<https://www.dora.state.co.us/pls/efi/EFI.homepage>

- ✓ If filing paper copies, please submit **an original and a copy** of these forms to the following address at the applicable time:

Doug Dean
Director
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

Audit Authority

The Commission reserves the right to inspect the records and documents of any public utility, and to examine under oath any officer, agent, or employee of such public utility in relation to the business and affairs of said public utility, pursuant to the audit authority granted to the Commission in § 40-6-106, C.R.S.

Specific Incumbent Local Exchange Carrier Reporting Instructions

- ✓ The Annual Report for Class A and B telephone companies shall be filed by all companies operating telephone exchanges and having annual operating revenues of less than \$100 million.
- ✓ Information required in the Annual Report shall be taken from the accounts and records prescribed in 47 *Code of Federal Regulations*, Part 32. The definitions and instructions contained therein shall also apply to this report, whenever applicable.
- ✓ To facilitate the performance of Commission Staff compliance audits, please report account balances in accordance with your accounting records (*i.e.*, Class A or B accounts).

Specific Competitive Local Exchange Carrier, Emerging Competitive Telecommunications Services, and Registered Toll Reseller Instructions

- ✓ This annual report must be completed by all Competitive Local Exchange Carriers (CLECs), providers of Emerging Competitive telecommunications services (Part 3 providers), and registered toll resellers. If you are not sure whether a specific telecommunications service is regulated by the Commission, please refer to §§ 40-15-201, 301, 302.5, 401, and 501, C.R.S., for more information.
- ✓ Your company must complete the tabs that are applicable to the nature of your business, *i.e.*, CLECS will generally complete all tabs but toll resellers may only complete the first four tabs. CLECs must identify the access lines by zones. **DO NOT REPORT ALL ACCESS LINES IN Qwest's ZONE 1.**
- ✓ If your company is a facility-based CLEC, you **must** complete the Operational Statistic tab.
- ✓ Failure to file the annual report with the Commission by April 30, 2012, may result in severe penalties, including possible revocation of the provider's Certificate of Public Convenience and Necessity, Letter of Registration, or Toll Reseller Registration; ordering the underlying facilities-based carriers to disconnect the company from the public switched network; and/or ordering other combination of the forgoing remedial actions which the Commission deems appropriate.