

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14U-0364T

IN THE MATTER OF ZIPPYTECH INCORPORATED'S PETITION FOR THE
DECLARATION OF INTENT TO SERVE WITHIN THE TERRITORY OF A RURAL
TELECOMMUNICATIONS PROVIDER.

DECISION GRANTING PETITION

Mailed Date: June 9, 2014

Adopted Date: June 5, 2014

I. BY THE COMMISSION

A. Statement

1. On April 21, 2014, ZippyTech, Inc. (ZippyTech or Company), filed a petition stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider (Petition) pursuant to Rule 2106 of the Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* (CCR) 723-2.

2. The Company is already providing some services in the CenturyLink rural areas by reselling services it purchased on a retail basis from CenturyTel of Eagle, Inc. and CenturyTel of Colorado, Inc, doing business as CenturyLink (CenturyLink). This Petition is a requirement of a joint motion filed by both ZippyTech and Commission Staff in 14C-0222T.

3. The Company is seeking authority to provide local exchange services, optional operator services, wide-area telecommunications services, toll-free service, and internet services in the rural service territories of CenturyLink.

4. On April 28, 2014, 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 May 28, 2014.

5. 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.

6. On April 21, 2014, the Company filed a copy of the notification of filing that it provided to CenturyLink in its Petition.

B. Discussion

7. We find that granting ZippyTech's Petition is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S., and with the public interest.

8. The service territory of CenturyLink is currently subject to competitive entry. The Commission previously granted several petitions and/or declarations of intent to provide local exchange telecommunications services in that service territory. *See* Decision Nos. C13-1076 (Metropolitan Telecommunications of Colorado, Inc.) Proceeding No. 13U-0833T, issued August 28, 2013; C10-1171 (BullsEye Telecom, Inc.) Proceeding No. 10U-650T, issued October 29, 2010; C09-0803 (Southeast Colorado Power Association, Inc.) Proceeding No. 09U-440T, issued July 24, 2009; C06-0704 (Granite Telecommunications, LLC) Proceeding No. 06M-266T, issued June 16, 2006; C06-1433 (FastTrack Communications, Inc.) Proceeding No. 06U-587T, issued December 7, 2006; and C07-0479 (360networks (USA), Inc.) Proceeding No. 07U-149T, issued June 6, 2007.

9. ZippyTech was granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services throughout the State of Colorado and a Letter of Registration to provide the following emerging competitive telecommunications services throughout the State of Colorado: Advanced Features, Premium Services, IntraLATA Toll, Switched Access, Jurisdictional Private Line, and Non-Optional Operator Services. *See* Decision No. C09-0409, Proceeding No. 09A-157T, issued April 20, 2009. ZippyTech has an effective tariff on file with the Commission.

10. We will grant the Petition. Before providing local exchange telecommunications service to customers in CenturyLink's service territory, ZippyTech must file an Advice Letter and proposed tariff, or modification of an existing tariff, which shall identify the exchanges, local calling areas, and service offerings, on not less than 30 days' notice.

II. ORDER

A. The Commission Orders That:

1. The Petition filed by ZippyTech, Inc. (ZippyTech or Company) on April 21, 2014 stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider is granted.

2. ZippyTech is granted the authority to provide local exchange telecommunications services in the entire service area territories of CenturyTel of Eagle, Inc. and CenturyTel of Colorado, Inc. (CenturyLink) as identified in its application. The specific exchanges are listed in Exhibit A of the Petition.

3. ZippyTech shall serve customers in its service territory on a non-discriminatory basis. "Service territory" shall be defined as that portion of Colorado encompassed by the exchange areas included or referenced in the Company's tariff and as listed in Exhibit A of the Petition. However, ZippyTech shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

4. Unless the Commission orders otherwise, ZippyTech shall begin providing local exchange services within one year after the effective date of this Decision granting its Declaration of Intent.

5. Before commencing operations pursuant to the grant of the Declaration of Intent, ZippyTech shall file an Advice Letter and a proposed tariff, or modification of its then existing tariff to become effective on not less than 30 days' notice.

6. If ZippyTech fails to file a tariff within one year from the effective date of this Decision, this Declaration of Intent which grants the authority to provide local exchange telecommunications services and emerging competitive telecommunications services in the service territory of CenturyLink shall be deemed null and void without any further action by the Commission. For good cause shown, and if a proper request is filed within one year of the effective date of this Decision, the Commission may grant ZippyTech additional time within which to file a tariff.

7. In accordance with the Rules of Practice and Procedure, ZippyTech will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles.

8. Consistent with terms and conditions established in previous Commission decisions, ZippyTech will be required to contribute, if applicable, for local and intraLATA services, to the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, and other financial support mechanisms that may be created in the future by the Commission to implement §§ 40-15-502(4) and (5), C.R.S.

9. 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.

10. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 5, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners