

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0842T

IN THE MATTER OF THE APPLICATION OF VITCOM, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES AND FOR A LETTER OF REGISTRATION TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICES (4 CCR 723-2-2103).

**DECISION GRANTING
APPLICATION WITH CONDITIONS**

Mailed Date: November 24, 2014
Adopted Date: November 20, 2014

I. BY THE COMMISSION

A. Statement

1. On August 11, 2014, Vitcom, LLC (Vitcom), filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services and a Letter of Registration to provide emerging competitive telecommunications services pursuant to Rule 2103 of the Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* 723-2.

2. On August 12, 2014, 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 September 11, 2014.

3. On August 18, 2014, Staff of the Commission filed a Deficiency Letter.

4. No interventions were filed.

5. On September 17, 2014, the Commission deemed the application complete by minute entry in its weekly meeting.

B. Discussion

6. No party has filed an intervention opposing the application. We therefore find that the application is unopposed and will consider it without a formal hearing pursuant to § 40-6-109(5), C.R.S.

7. Pursuant to § 40-15-503.5, C.R.S., the Commission may require a regulated telecommunications provider to post a bond or provide other security as a condition of obtaining a certificate, registration, or operating authority. In response to the Deficiency Letter sent by the Commission Staff, Vitcom stated it does not have audited financial information. Commission Staff reviewed the financial information provided in the application and the financial information provided in response to the Deficiency Letter.

8. Due to the lack of audited financials and the difference in financial amounts and account titles provided with the application compared to the financial information filed in response to the Deficiency Letter, we determine that financial assurance in the form of either a bond or a letter of credit shall be required to be posted with the Commission under the terms and conditions specified in the Attachments to this Decision.

9. In order for Vitcom to provide local exchange service through resale or unbundled network elements, it must enter into an interconnection agreement with the underlying carrier Qwest Corporation, doing business as CenturyLink (CenturyLink). Vitcom states it will commence discussion upon receipt of the CPCN. However, nothing precludes Vitcom to commence discussions with CenturyLink before it actually receives its CPCN. Upon having an executable interconnection agreement, Vitcom shall provide the central office

name and the associated CLLI code where Vitcom will collocate its telecommunication equipment.

10. In order to demonstrate its commitment and that it has the managerial and technical ability to provide local exchange service, Vitcom must provide the number of basic local exchange end users it has acquired within two years of effective date of receiving its CPCN. If Vitcom has not acquired any basic local exchange end users, the company shall explain why it has not been able to acquire end users and why its CPCN should not be null and void. Absent any such filing from Vitcom, this CPCN to provide local exchange telecommunications services shall be deemed null and void without further action of the Commission.

11. Before providing local exchange telecommunications services, Vitcom must: (1) have effective tariffs for its services on file with the Commission; (2) file a bond or letter of credit concurrently with its tariff(s) consistent with the terms and conditions in the Attachments to this Decision; (3) have an effective interconnection agreement with the underlying carrier CenturyLink; (4) provide the central office name and CLLI code where Vitcom has collocated its telecommunication equipment; and, (5) comply with all statutory and regulatory requirements applicable to telecommunications providers pursuant to Rule 2103(a)(XV).

II. ORDER

A. The Commission Orders That:

1. Vitcom, LLC (Vitcom) is granted a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services with the conditions included herein. A detailed description of the applicant's service territory will be delineated in

the exchange maps or maps incorporated by reference and the local calling areas in Vitcom's tariff.

2. Vitcom's local exchange telecommunications services will be regulated according to the regulatory scheme it selected under Rule 2203(d), 4 *Code of Colorado Regulations* 723-2, Option 2.

3. Vitcom is granted a Letter of Registration (LOR) to provide the following emerging competitive telecommunications services throughout Colorado: Advance Features; Premium Services; IntraLATA Toll; and Switched Access.

4. Before commencing operations under this CPCN to provide local exchange telecommunications services or LOR to provide emerging competitive telecommunications services, Vitcom shall have an effective interconnection agreement with the underlying provider, Qwest Corporation, doing business as CenturyLink.

5. Vitcom shall serve customers in its service territory on a non-discriminatory basis. "Service territory" shall be defined as that portion of Colorado included in the local exchange maps provided or incorporated by reference in the applicant's tariff. However, Vitcom shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

6. Before commencing operations under this CPCN to provide local exchange telecommunications services or LOR to provide emerging competitive telecommunications services, Vitcom shall file an Advice Letter and accompanying tariff, on not less than 30 days' notice, to be effective within one year from the Mailed Date of this Decision. The proposed tariff shall contain all the information required under Rule 2122. Vitcom may also file a separate price list in addition to its proposed tariff under Rule 2123.

7. If Vitcom fails to file an Advice Letter and accompanying proposed tariff that is effective within one year from the Mailed Date of this Decision, this CPCN to provide local exchange telecommunications services shall be deemed null and void without further action of the Commission. For good cause shown, and if a proper request is filed within one year of the Mailed Date of this Decision, the Commission may grant Vitcom additional time within which to file a tariff.

8. If Vitcom fails to acquire basic local exchange end users within one year from the effective date of its local exchange tariff or within two years of the effective date of receiving its CPCN, this CPCN shall be deemed null and void. For good cause shown, and if a proper request is filed within two years of the Mailed Date of this Decision, the Commission may grant Vitcom additional time within which to acquire basic local exchange end users.

9. Concurrent with the filing of an Advice Letter and accompanying tariff, Vitcom shall file a bond or letter of credit consistent with the terms and conditions attached to this Decision.

10. In accordance with the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, Vitcom will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles.

11. Consistent with terms and conditions established in previous Commission decisions, Vitcom will be required to contribute based on the entirety of its intrastate services regardless of the technology, to the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Disabled Telephone Users Fund, 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.

12. 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.

13. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 20, 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