

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13M-0877T

IN THE MATTER OF POSSIBLE RULE REVISIONS TO THE COMMISSION'S
RULES RELATING TO THE HIGH COST SUPPORT MECHANISM.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
VACATING WORKSHOP, VACATING
HEARING, VACATING PORTION OF
PROCEDURAL SCHEDULE, AND PLACING
PORTION OF PROCEEDING IN ABEYANCE**

Mailed Date: March 20, 2014

I. STATEMENT

1. On August 16, 2013, by Decision No. C13-0958, the Commission opened this Proceeding for these purposes:

- (1) to consider [Colorado High Cost Support Mechanism (CHCSM)] rule amendments in anticipation of applications for [CHCSM] funding in areas deemed to be subject to effective competition for basic services, which may be submitted pursuant to [Rule 4 *Code of Colorado Regulations* 723-2-2215]; and
- (2) to consider possible revisions to the [CHCSM] ... to update the rules for [CHCSM] generally pursuant to the triennial review contemplated in

Rule 4 *Code of Colorado Regulations* (CCR) 723-2-2850.¹ Decision No. C13-0958 at ¶ 1 (footnote omitted). In that Decision, the Commission referred this Proceeding to an Administrative Law Judge (ALJ) (*id.* at ¶ 2).

2. The following either intervened as of right or were granted leave to intervene: CenturyTel of Colorado, Inc.; CenturyTel of Eagle, Inc.; El Paso County Telephone Company,

¹ The referenced Rules are found in the Rules Regulating Telecommunications Providers, Services, and Products, Part 2 of 4 *Code of Colorado Regulations* 723.

doing business as CenturyLink; Qwest Corporation, doing business as CenturyLink QC;² the Colorado Office of Consumer Counsel (OCC); the Colorado Telecommunications Association (CTA); Comcast Phone of Colorado, LLC, doing business as Comcast Digital Phone (Comcast); N.E. Colorado Cellular, Inc., doing business as Viaero Wireless (Viaero); Sprint Communications Company L.P.; Sprint Spectrum L.P., doing business as Sprint PCS;³ Trial Staff of the Commission (Staff); tw telecom of colorado, llc (tw telecom); Bell Atlantic Communications, Inc., doing business as Verizon Long Distance (Bell Atlantic); MCI Communications Services, Inc., doing business as Verizon Business Services (MCI Communications); MCIMetro Access Transmission Services LLC, doing business as Verizon Access Transmission Services (MCIMetro); NYNEX Long Distance Company, doing business as Verizon Enterprise Solutions (NYNEX); Teleconnect Long Distance Services and Systems Co., doing business as Telecom USA (Telecom USA); TTI National, Inc. (TTI); and Verizon Select Services Inc.⁴

3. The following, collectively, are the Participants in this matter: CenturyLink, Comcast, CTA, OCC, Sprint, Staff, tw telecom, Verizon, and Viaero. Each participant is represented by legal counsel.

4. The procedural history of this Proceeding is set out in Interim Decisions previously issued in this matter. The procedural history is repeated here in order to place this Interim Decision in context.

² The following entities, collectively, are CenturyLink: CenturyTel of Colorado, Inc.; CenturyTel of Eagle, Inc.; El Paso County Telephone Company, doing business as CenturyLink; and Qwest Corporation, doing business as CenturyLink QC.

³ Sprint Communications Company L.P. and Sprint Spectrum L.P., doing business as Sprint PCS, collectively, are Sprint.

⁴ The following entities, collectively, are Verizon: Bell Atlantic, MCI Communications, MCIMetro, NYNEX, Telecom USA, TTI, and Verizon Select Services Inc.

5. The Rule 4 CCR 723-2-2850 triennial review of the CHCSM rules (triennial review) is to consider and, as necessary, to address possible revisions to update the CHCSM rules and related or referenced telecommunications rules.⁵ This Interim Decision pertains to the triennial review portion of this Proceeding.

6. On November 15, 2013, by Decision No. R13-1440-I, the ALJ scheduled an April 2, 2014 workshop pertaining to the triennial review; scheduled a July 10, 2014 hearing pertaining to the triennial review; and established the procedural schedule for the triennial review.

7. On March 20, 2014, four bills were introduced at the General Assembly: House Bill 14-1327;⁶ House Bill 14-1328;⁷ House Bill 14-1329;⁸ and House Bill 14-1330.⁹ Each of these bills pertains to telecommunications in Colorado and, to varying degrees, have the potential to affect (directly or indirectly) the CHCSM. Thus, it is possible that, in the current session (which ends in early May 2014), the General Assembly may pass legislation that affects the CHCSM and, thus, the triennial review.

8. The ALJ will vacate the workshop; will vacate the hearing; will vacate the procedural schedule pertaining to the triennial review; and will place the triennial review in abeyance until the conclusion of the current legislative session. This will permit the Commission

⁵ The Commission generally discussed this subject matter area in Decision No. C13-0958 at ¶¶ 9-21. The Commission provided direction in *id.* at ¶¶ 9-13.

⁶ House Bill 14-1327 is “a bill for an act concerning measures to expand the deployment of communication networks, and, in connection therewith, enacting the ‘Broadband Deployment Act.’”

⁷ House Bill 14-1328 is “a bill for an act concerning the deployment of broadband into unserved areas of Colorado through grant-making from moneys allocated from the Colorado High Cost Support Mechanism.”

⁸ House Bill 14-1329 is “a bill for an act concerning the exemption of certain internet-protocol-enabled services from oversight by the Public Utilities Commission.”

⁹ House Bill 14-1330 is “a bill for an act concerning an update of telecommunications terminology for intrastate telecommunications services.”

and the Participants to consider, as part of the triennial review, any statutory changes made in the current legislative session; will avoid work on CHCSM rules that may be inconsistent with statutory changes; and, thus, is administratively efficient and is resource-conserving for both the Commission and the Participants. Following the conclusion of the legislative session, the ALJ will issue an Interim Decision that addresses the triennial review going forward.

II. ORDER

A. It Is Ordered That:

1. The workshop scheduled in this Proceeding for April 2, 2014 is vacated.
2. The hearing scheduled in this Proceeding for July 10, 2014 is vacated.
3. The procedural schedule in this Proceeding established in Decision No. R13-1440-I at ¶ 13 and Ordering Paragraph No. 4 is vacated.
4. The portion of this Proceeding commenced to consider possible revisions to the Colorado High Cost Support Mechanism rules pursuant to the triennial review contemplated in Rule 4*Code of Colorado Regulations* 723-2-2850 is in abeyance pending further Order.

5. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director