

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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RULES OF THE PUBLIC UTILITIES)
COMMISSION OF THE STATE OF COLORADO)
CONCERNING THE REGULATION OF) DOCKET NO. 90R-505T
OPERATOR SERVICES FOR)
TELECOMMUNICATIONS SERVICE)
PROVIDERS AND TELEPHONE UTILITIES.)

COMMISSION ORDER: (1) CLOSING DOCKET; (2) CANCELLING
JULY 30, 1991 HEARING; AND (3) ANNOUNCING NEW RULEMAKING
DOCKET NO. 91R-498T

Mailing date: July 29, 1991
Adopted date: July 24, 1991

On September 5, 1990, the Commission gave notice of proposed rulemaking under the applicable provision of the State Administrative Procedure Act, Colorado Revised Statutes § 24-4-103 (1988 Rep. Vol.10A). See Decision No. C90-2113. In the Notice of Rulemaking Order, the Commission attached copies of the proposed operator service provider rules. The Commission held a hearing on the proposed Operator Service Rules on January 24, 1991. After a further comment period, the Commission sent copies of the redrafted rules to all parties in this docket on March 21, 1991, and scheduled a hearing for July 30, 1991. The Commission made it clear that it intended to await completion of rulemaking in this subject matter by the Federal Communications Commission ("FCC"), in order to avoid conflict between the Colorado rules and the FCC rules.

The Telephone Operator Consumer Services Improvement Act of 1990, to be codified at 47 U.S.C. § 226, P.L. No. 101-435, 104 Stat. 986, required the Federal Communications Commission to complete rulemaking by July 17, 1991. The FCC released its final rules in the Consumer Protection rulemaking docket, CC Docket No. 90-313, on April 15, 1991. FCC 91-116. The FCC has not released its final rules for the Access/compensation rulemaking docket, CC Docket No. 91-35, although it issued a press release on July 11, 1991 describing the substance of the new rules. On July 19, 1991, Dr. George Parkins of the Colorado Public Utilities Commission Staff redrafted the Colorado Commission's proposed Operator Service Rules to reflect the FCC's rulemakings in CC Docket No. 90-313 and the press release in CC Docket No. 91-35. The Commission had hoped that the parties would be able to comment on the most recent changes at the July 30, 1991 hearing. Upon further thought, the Commission determines that: (1) due to the substantial changes made in the Third Draft; (2) because the statutorily-imposed schedule leaves little time for important analysis and discussion of these changes; and (3) due to the fact that the Final FCC rule in CC Docket No. 91-35 has been announced only by press release, not final rule, it would be inefficient to proceed according to the previously-announced schedule.

Therefore, in order to allow the time necessary for interested parties and the Commission to consider the most recent revisions, the Commission will close this docket numbered 90R-505T, and will re-institute rulemaking under a new docket numbered 91R-498T, in which the Commission will take administrative notice of the written and oral testimony, and all other documents, in Docket No. 90R-505T. It will not be necessary to repeat or resubmit the testimony or written documents from the first docket. See Rule 83(b)(3) of the Commission's Rules of Practice and Procedure, 4 Code of Colorado Regulation 723-1 (allowing the Commission to take administrative notice of matters in its files).

THEREFORE THE COMMISSION ORDERS THAT:

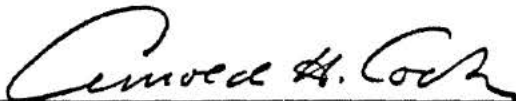
1. The Commission hereby closes this docket, cancels the hearing set for Tuesday July 30, 1991, and announces a new rulemaking docket, Docket No. 91R-498T.

2. In a separate Order in August 1991, the Commission will give notice of the rulemaking (using the Third Draft sent to all parties on July 19, 1991 as the basis for discussion). Tentatively, the Commission will set a hearing date for Friday October 18, 1991. All parties in this Docket No. 90R-505T will receive the Notice, and will automatically become parties in the new rulemaking docket (Docket No. 91R-498T) without filing a notice of intervention.

3. The twenty-day time period provided in Colorado Revised Statutes § 40-6-114(1) (1990 Cum.Supp. Vol.17) to file an application with the Commission for rehearing, reargument, or reconsideration of this Decision, begins on the day after the release date (mailing date) of this Decision.

ADOPTED IN OPEN MEETING ON July 24, 1991.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT, BUT CONCURRING.