

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-012T

IN THE MATTER OF THE APPLICATION OF ALTICOMM, INC. FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES.

**ORDER GRANTING JOINT MOTION TO APPROVE
STIPULATION AND SETTLEMENT AGREEMENT**

Mailed Date: January 13, 2004

Adopted Date: January 7, 2004

I. BY THE COMMISSION

A. Statement

1. By Decision No. C03-1116, we directed Staff of the Colorado Public Utilities Commission (Staff) and Alticom, Inc. (Alticom), to negotiate the terms of a bond, including the amount, the length of time the bond must be held, a definition of the situation(s) that would cause the bond to come due, and how the money would be used. We made the granting of Alticom's Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services contingent on the posting of such bond or other security.

2. On December 17, 2003, Staff and Alticom jointly filed a motion requesting approval of their Stipulation and Settlement Agreement and Request for Waiver of Response Time (Joint Motion). Attached to this Joint Motion is the Stipulation and Settlement Agreement (Stipulation). The Stipulation thoroughly outlines the amount, terms, and conditions for the initial bond as well as subsequent increases to the bond when certain conditions are met. We believe that the terms of this Stipulation alleviate our concerns about the protection of Alticom's

customers, as well as the disbursement of monies to the statutory funds should Alticomm default on the terms of the Stipulation.

3. Now being duly advised in the matter, we find good cause has been shown and we grant the Joint Motion. Also, we note that the contingencies we placed on the grant of Alticomm's CPCN have been met by the parties. As a result, we also now grant Alticomm's Application for a CPCN. Alticomm is authorized to offer local exchange telecommunications services in Colorado once it posts the bond according to the terms of the Stipulation and has an effective local tariff on file with this Commission.

II. ORDER

A. The Commission Orders That:

1. The Joint Motion for Approval of Stipulation and Settlement Agreement is granted.

2. The Commission waives response time to the Joint Motion.

3. AltiComm, Inc., is granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services throughout the State of Colorado. A detailed description of the applicant's service territory will be delineated in the local exchange maps filed with the tariff.

4. AltiComm, Inc.'s local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* 723-38.

5. AltiComm, Inc., 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 with the applicant's tariffs. However, Alticom, Inc., shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

6. Unless the Commission orders otherwise, Alticom, Inc., shall begin providing local exchange and emerging competitive telecommunications services within three years after the grant of this Certificate of Public Convenience and Necessity. 4 *Code of Colorado Regulations* 723-25-6.

7. Before commencing operations under this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services, Alticom, Inc., shall file an Advice Letter containing local exchange maps, local calling areas, and a proposed tariff to become effective on not less than 30 days' notice. 4 *Code of Colorado Regulations* 723-1-41.

8. If Alticom, Inc., fails to file an effective tariff within three years from the Mailing Date of this Order, this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services shall be deemed null and void. For good cause shown, and if a proper request is filed within three years of the Mailing Date of this Order, the Commission may grant Alticom, Inc., additional time within which to file a tariff.

9. In accordance with the Commission's Rules of Practice and Procedure, Alticom, Inc., will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles. 4 *Code of Colorado Regulations* 723-1-25(c).

10. Consistent with terms and conditions established in previous Commission decisions, Alticom, Inc., will be required to contribute 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, the Emergency Telephone Access Act Program (Low Income 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.

11. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 7, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners