

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-540T

IN THE MATTER OF THE APPLICATION OF CINCINNATI BELL ANY DISTANCE, INC.
FOR A LETTER OF REGISTRATION TO PROVIDE EMERGING COMPETITIVE
TELECOMMUNICATIONS SERVICES.

ORDER GRANTING LETTER OF REGISTRATION

Mailed Date: January 21, 2004
Adopted Date: January 21, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On December 18, 2003, Cincinnati Bell Any Distance, Inc. (Cincinnati Bell), filed an application for a Letter of Registration (LOR) to provide emerging competitive telecommunications services. 4 *Code of Colorado Regulations* (CCR) 723-25.

2. Specifically, Cincinnati Bell seeks a LOR to provide intrastate, non-optional operator services throughout the State of Colorado. Cincinnati Bell does not request any specific form of relaxed regulation.

3. Notice of the application was posted on the Commission's web site on December 19, 2003. Interventions were due on or before January 8, 2004. None were filed.

B. Discussion

4. The Commission finds that this matter may be considered without a hearing pursuant to § 40-6-109(5), C.R.S.

5. Granting Cincinnati Bell's request is consistent with the legislative policy statements contained in § 40-15-101, C.R.S. Cincinnati Bell has stated sufficient grounds to warrant the approval of its request. Therefore, a LOR will be granted.

6. Providers of intrastate, non-optional operator services are granted specific regulatory treatment. 4 CCR 723-18-5.3.

II. ORDER

A. The Commission Orders That:

1. Cincinnati Bell Any Distance, Inc., is granted a Letter of Registration to provide intrastate, non-optional operator services throughout the State of Colorado.

2. Cincinnati Bell Any Distance, Inc., shall not provide non-optional operator services in Colorado until: 1) the Commission approves its tariffs or price lists for relevant services; and 2) the applicant complies with applicable Commission rules and any conditions established by Commission order.

3. Within three years of the Mailing Date of this Decision and Order, Cincinnati Bell Any Distance, Inc., shall file an advice letter containing a proposed tariff to become effective on not less than 30 days' notice. 4 *Code of Colorado Regulations* (CCR) 723-25-6. The tariff shall include the relevant operator service rules (4 CCR 723-18-6). Cincinnati Bell Any Distance, Inc., may also file a separate price list with the tariff.

4. If Cincinnati Bell Any Distance, Inc., fails to file a tariff and price list pursuant to ordering paragraph 3 above, this Decision and Order 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

Decision and Order, the Commission may grant Cincinnati Bell Any Distance, Inc., additional time within which to file a tariff and price list.

5. Cincinnati Bell Any Distance, Inc., will be required to participate in the Colorado High Cost Support Mechanism, the Public Utilities Commission Fixed Utilities Fund, and any other financial support mechanisms that may be created in the future to implement §§ 40-15-502(4) and (5), C.R.S. Failure to do so may result in revocation of the Letter of Registration.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 21, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners