

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-004T

IN THE MATTER OF THE APPLICATION OF SOUTHWESTERN BELL COMMUNICATIONS SERVICES, INC. D/B/A SBC LONG DISTANCE 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.

ORDER GRANTING APPLICATION

Mailed Date: February 5, 2004

Adopted Date: February 4, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On January 5, 2004, Southwestern Bell Communications Services, Inc., doing business as SBC Long Distance (Southwestern Bell) filed an application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and a Letter of Registration to provide emerging competitive telecommunications services throughout the State of Colorado. 4 *Code of Colorado Regulations* (CCR) 723-25-4.

2. Notice of the application was posted on the Commission's web site on January 6, 2004. Interventions were due on or before January 26, 2004. None were filed.

3. On January 7, 2004, Southwestern Bell supplemented its application to clarify the categories of service for which it was requesting a Letter of Registration for emerging competitive telecommunications services.

B. Discussion

4. The application is unopposed and may be considered without a hearing. § 40-6-109(5), C.R.S.

5. Granting the application of Southwestern Bell is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.

6. Before providing local exchange and emerging competitive telecommunications services, Southwestern Bell must: (1) have effective tariffs for its services on file with the Commission; and (2) comply with all statutory and regulatory requirements applicable to telecommunications providers subject to the jurisdiction of the Commission. 4 CCR 723-25-4.1.10.

II. ORDER

A. The Commission Orders That:

1. Southwestern Bell Communications Services, Inc.'s application is deemed complete.

2. Southwestern Bell Communications Services, 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.

3. Southwestern Bell Communications Services, Inc.'s local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.

4. Southwestern Bell Communications Services, Inc., is granted a Letter of Registration to provide the following emerging competitive telecommunications services throughout the State of Colorado: advanced features and switched access.

5. Southwestern Bell Communications Services, Inc.'s emerging competitive telecommunications services will be regulated under the default regulatory scheme contained in 4 CCR 723-38.

6. Southwestern Bell Communications Services, 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, Southwestern Bell Communications Services, Inc., shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

7. Unless the Commission orders otherwise, Southwestern Bell Communications Services, 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 CCR 723-25-6.

8. Before commencing operations under this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and Letter of Registration to

provide emerging competitive telecommunications services, Southwestern Bell Communications Services, 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 CCR 723-1-41. Southwestern Bell Communications Services, Inc., may also file a separate price list with the proposed tariff.

9. If Southwestern Bell Communications Services, 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 and this Letter of Registration to provide emerging competitive 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 Southwestern Bell Communications Services, Inc., additional time within which to file a tariff.

10. In accordance with the Commission's Rules of Practice and Procedure, Southwestern Bell Communications Services, Inc., will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles. 4 CCR 723-1-25(c).

11. Consistent with terms and conditions established in previous Commission decisions, Southwestern Bell Communications Services, 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.

12. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 4, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners