

Decision No. C04-0241

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-055T

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IN THE MATTER OF THE COMBINED APPLICATION OF TIME WARNER TELECOM OF COLORADO, L.L.C. FOR A CERTIFICATE TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES AND NOTICE OF INTENTION TO EXERCISE OPERATING AUTHORITY; FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE EMERGING TELECOMMUNICATIONS SERVICES; AND FOR A LETTER OF REGISTRATION FOR NON-OPTIONAL OPERATOR SERVICES.

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**ORDER GRANTING APPLICATION**

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Mailed Date: March 11, 2004  
Adopted Date: March 10, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On January 29, 2004, Time Warner Telecom of Colorado, LLC (Time Warner) filed an application to discontinue the offering of residential services or in the alternative, a waiver of Commission rules requiring it to provide service to residential customers. The authority to provide competitive local exchange service was granted in Decision No. C00-1053.

~~2. Time Warner represents that it has no residential customers and does not focus on offerings that are of particular interest to residential customers. Time Warner further represents that it provides high capacity voice and data services that appeal predominately to larger business customers.~~

~~3.2.~~ The application requested, as an alternative to amending the existing authority, a waiver of any existing requirement to provide service to residential customers. No specific

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Commission rules were cited. The filing of the request for waiver of Commission rules was filed pursuant to 4 *Code of Colorado Regulations* (CCR) 723-25-10.

4.3. Time Warner noted that in recent Commission decisions granting authorities to other competitive local exchange carriers (CLECs), the Commission no longer requires those providers to offer residential service within their service territories. Time Warner further noted that this requirement was consistent with the Commission's past policies regarding competitive entry. Thus, Time Warner asks that its Certificate of Public Convenience and Necessity (CPCN) be amended to remove that requirement.

5.4. Under Rule 4 CCR 723-25-10, the Commission may grant a waiver or variance from any or all of the rules contained in 4 CCR 723-25. However, there are no Commission rules that require a CLEC to provide residential local exchange service. Thus, the request for waiver is unnecessary.

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

7.6. Time Warner represented in the application that it has no residential customers and does not focus on offerings that are of particular interest to residential customers. Time Warner further represented that it provides high-capacity voice and data services that appeal predominately to larger business customers. Time Warner has provided sufficient information to the Commission to take the appropriate action relating to this matter.

8.7. Good cause having been stated, we grant the application.

**II. ORDER**

**A. The Commission Orders That:**

1. The application is deemed complete.
2. Time Warner Telecom of Colorado, LLC's application to abandon its authority to offer residential local exchange services in the State of Colorado is approved.
3. Time Warner Telecom of Colorado, LLC will continue to offer all of its regulated services to its business customers on a non-discriminatory basis. This Decision does not affect services offered to business customers.
4. Within ten days of the effective date of this Decision, Time Warner Telecom of Colorado, LLC shall file an advice letter with the Commission to withdraw the pages of its tariff related to residential local exchange service. This may be done on not less than one day's notice to the Commission.
5. The requested waiver of Commission rules pursuant to 4 *Code of Colorado Regulations* 723-25-10 is denied as unnecessary, as there are no rules that require Time Warner Telecom of Colorado, LLC to offer residential local exchange service.
6. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
March 10, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners