

Decision No. C04-0441

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-145T

IN THE MATTER OF THE APPLICATION OF UTILITY TELEPHONE, INC., 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: April 28, 2004
Adopted Date: April 28, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On March 26, 2004, Utility Telephone, Inc. (Utility Telephone), 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 ~~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 March 30, 2004. Interventions were due on or before April 19, 2004. None were filed.

3. On April 26, 2004, Utility Telephone filed responses to questions posed by Staff of the Colorado Public Utilities Commission. Those responses completed the initial application.

B. Discussion

~~4. On January 28, 2004 Staff received supplemental information to the initial application. Staff has reviewed the information and has no concerns with the information provided by Working Assets.~~

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~~5.4.~~ -The application is unopposed and may be considered without a hearing. § 40-6-109(5), C.R.S.

~~6.5.~~ Granting the application of Utility Telephone is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.

~~7.6.~~ Before providing local exchange services and emerging competitive services, Utility Telephone 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. Utility Telephone, Inc.'s application is deemed complete.
2. Utility Telephone, Inc., is granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services. A detailed description of the applicant's service territory will be delineated in the local exchange maps filed with the tariff.
3. Utility Telephone, Inc.'s local exchange telecommunications services and emerging competitive telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.

4. Utility Telephone, Inc., is granted a Letter of Registration to provide the following emerging competitive telecommunications service throughout the State of Colorado: advanced features; interLATA toll; intraLATA toll; premium services; jurisdictional private line services; non-optional operator services; and switched access.

5. Utility Telephone, Inc.'s emerging competitive telecommunications services, with the exception of non-optional operator services, will be regulated under the default regulatory scheme contained in 4 CCR 723-38.

~~4.6.~~ Utility Telephone, 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, Utility Telephone, Inc., shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

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~~5.7.~~ Unless the Commission orders otherwise, Utility Telephone, Inc., shall begin providing local exchange and emerging competitive services within three years after the grant of this Certificate of Public Convenience and Necessity and Letter of Registration. 4 CCR 723-25-6.

~~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, Utility Telephone, 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. Utility Telephone, Inc., may also file a separate price list with the proposed tariff.

~~7-9.~~ If Utility Telephone, 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 Utility Telephone, Inc., additional time within which to file a tariff.

~~8-10.~~ In accordance with the Commission's Rules of Practice and Procedure, Utility Telephone, Inc., will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles. 4 CCR 723-1-25(c).

~~9-11.~~ Consistent with terms and conditions established in previous Commission decisions, Utility Telephone, 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) if applicable, 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.

~~10-12.~~ This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 28, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners