

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

DOCKET NO. 04A-253T

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IN THE MATTER OF THE JOINT APPLICATION OF DIECA COMMUNICATIONS, INC.  
D/B/A COVAD COMMUNICATIONS COMPANY AND GOBEAM SERVICES, INC. FOR  
GRANT OF AUTHORITY TO TRANSFER CONTROL OF GOBEAM, INC. TO COVAD  
COMMUNICATIONS GROUP, INC.

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**ORDER GRANTING APPLICATION**

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Mailed Date: June 30, 2004  
Adopted Date: June 30, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On May 19, 2004, DIECA Communications, Inc., doing business as Covad Communications Company (Covad), and GoBeam Services, Inc. (GoBeam), filed a joint application requesting a Commission order approving a transaction whereby Covad Communications Group, Inc. (CCGI), the parent corporation of Covad, will acquire GoBeam, Inc., the parent corporation of GoBeam. 4 *Code of Colorado Regulations* 723-25-8.

2. CCGI plans to acquire GoBeam, Inc., in a transaction in which GoBeam, Inc., stockholders will receive CCGI shares in exchange for their GoBeam, Inc., shares. Following the closing of the transaction, Covad and GoBeam, Inc., will be subsidiaries of CCGI, and GoBeam will remain a 100 percent direct subsidiary of GoBeam, Inc.

3. On September 15, 1998, Covad was granted a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange services and a CPCN to provide emerging competitive telecommunications services. *See* Decision No. C98-857 in Docket No. 98A-300T.

Covad currently provides only deregulated telecommunications services such as Digital Subscriber Line services to customers in the State of Colorado.

4. On September 25, 2003, Covad was granted an extension of time until June 15, 2004 in which to file its local exchange tariff. *See* Decision No. C03-1094. On June 25, 2004, Covad was granted a further extension of time until September 23, 2004 in which to file its local exchange tariff. *See* Decision No. C04-0700.

5. On February 8, 2001, GoBeam was granted a CPCN to provide local exchange services and a CPCN to provide emerging competitive telecommunications services. *See* Decision No. C01-107 in Docket No. 00A-685T. GoBeam does not currently serve any customers in the State of Colorado. However, GoBeam does have an effective tariff on file with the Commission for local exchange and emerging competitive telecommunications services.

6. Covad and GoBeam will continue to provide telecommunications services under their respective names and CPCNs. Upon consummation of the proposed transaction, Covad has represented that it intends to adopt GoBeam's filed tariffs.

7. On May 21, 2004, the Commission issued a Notice of Application Filed, giving notice to all interested parties. Interventions were due on or before June 21, 2004. No interventions were filed.

8. On May 20, 2004, counsel for Covad and GoBeam filed an Errata to correct its joint application which mistakenly omitted a page due to a copying error. A complete copy of the joint application was attached to the Errata.

**B. Discussion**

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

10. The Commission finds that the proposed transfer is not contrary to the public interest.

**II. ORDER****A. The Commission Orders That:**

1. The joint application of Covad Communications Company and GoBeam Services, Inc., is deemed complete.

2. The joint application for the transfer of control of GoBeam, Inc., to Covad Communications Group, Inc., is granted.

3. Covad Communications Company and GoBeam Services, Inc., shall continue to hold their existing authorities in the State of Colorado upon closing of the transaction.

4. Upon consummation of the transfer, Covad Communications Company shall file an adoption notice to adopt the effective tariffs of GoBeam.

5. Covad Communications Company and GoBeam Services, Inc., shall continue to have the obligation to file an annual report with the Commission and to contribute to all applicable Colorado funds, including the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 30, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER JIM DYER ABSENT.