

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-300T

IN THE MATTER OF THE APPLICATION OF ACCERIS COMMUNICATIONS CORP. FOR
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL
EXCHANGE TELECOMMUNICATIONS SERVICES AND LETTER OF REGISTRATION
TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICES.

ORDER GRANTING APPLICATION

Mailed Date: July 12, 2004

Adopted Date: July 9, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On June 7, 2004, Acceris Communications Corp. (Acceris) 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 June 10, 2004. Interventions were due on or before June 30, 2004. None were filed.

3. On June 11, 2004, Acceris filed responses to questions posed by Staff of the Colorado Public Utilities Commission. Those responses completed the application and clarified the provisioning of telecommunications services by Acceris.

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 Acceris 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, Acceris 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. Acceris Communications Corp.'s application is deemed complete.
2. Acceris Communications Corp. 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. Acceris Communications Corp.'s local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.
4. Acceris Communications Corp. is granted a Letter of Registration to provide the following emerging competitive telecommunications services throughout the State of Colorado: advanced features; premium services; intraLATA toll; interLATA toll; switched access; jurisdictional private line services; and non-optional operator services.

5. Acceris Communications Corp.'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.

6. Acceris Communications Corp.'s non-optional operator services will be regulated under the default regulatory scheme contained in 4 CCR 723-18.

7. Acceris Communications Corp. 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, Acceris Communications Corp. shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

8. Unless the Commission orders otherwise, Acceris Communications Corp. 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.

9. 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, Acceris Communications Corp. 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. Acceris Communications Corp. may also file a separate price list with the proposed tariff.

10. If Acceris Communications Corp. 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 Acceris Communications Corp. additional time within which to file a tariff.

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

12. Consistent with terms and conditions established in previous Commission decisions, Acceris Communications Corp. 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.

13. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 9, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners