

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-298T

IN THE MATTER OF THE APPLICATION OF COMPATH COMMUNICATIONS, LLC FOR
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL
EXCHANGE 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 4, 2004, ComPath Communications, LLC (ComPath), filed an application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services. 4 *Code of Colorado Regulations* (CCR) 723-25-4.

2. Notice of the application was posted on the Commission's web site on June 9, 2004. Interventions were due on or before June 29, 2004. None were filed.

3. On June 28, 2004, ComPath filed responses to questions posed by Staff of the Colorado Public Utilities Commission. Those responses completed the initial application.

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 ComPath 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 services ComPath 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. ComPath Communications, LLC's application is deemed complete.
2. ComPath Communications, LLC 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. ComPath Communications, LLC's local exchange telecommunications services will be regulated under the default regulatory scheme contained in 4 *Code of Colorado Regulations* (CCR) 723-38.
4. ComPath Communications, LLC 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, ComPath Communications, LLC shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.
5. Unless the Commission orders otherwise, ComPath Communications, LLC shall begin providing local exchange services within three years after the grant of this Certificate of Public Convenience and Necessity. 4 CCR 723-25-6.

6. Before commencing operations under this Certificate of Public Convenience and Necessity to provide local exchange telecommunications services, ComPath Communications, LLC 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. ComPath Communications, LLC may also file a separate price list with the proposed tariff.

7. If ComPath Communications, LLC 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 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 ComPath Communications, LLC additional time within which to file a tariff.

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

9. Consistent with terms and conditions established in previous Commission decisions, ComPath Communications, LLC 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. 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