

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-365T

IN THE MATTER OF CERTIFICATION TO THE FEDERAL COMMUNICATIONS
COMMISSION OF NON-RURAL CARRIERS TO RECEIVE UNIVERSAL SERVICE
SUPPORT PURSUANT TO 47 CFR § 54.313.

ORDER OPENING DOCKET

Mailed Date: July 20, 2004
Adopted Date: July 15, 2004

I. BY THE COMMISSION

A. Statement

1. We open this docket to consider certification of non-rural carriers to receive federal universal service support in accordance with 47 Code of Federal Regulations § 54.313 (Rule 313). Rule 313, adopted by the Federal Communications Commission (FCC) (*see Fourteenth Report and Order, Twenty-Second Order on Reconsideration, Further Notice of Proposed Rulemaking*, FCC01-57 (May 23, 2001)), provides:

(a) Certification. States that desire non-rural incumbent local exchange carriers and/or eligible telecommunications carriers serving lines in the service area of a non-rural incumbent local exchange carrier within their jurisdiction to receive support pursuant to §§ 54.309 and/or 54.311 must file an annual certification with the Administrator and the Commission stating that all federal high-cost support provided to such carriers within that State will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended....

2. According to Rule 313(c), the state commission's certification may be filed in the form of a letter with both the Office of the Secretary of the FCC and the Administrator of the High-Cost Universal Service Support Mechanism. The state commission's certification must be

filed on or before October 1, 2004 in order for the state's non-rural carriers to receive universal service support for first, second, third, and fourth quarters of the succeeding year.

3. The Commission desires that the state's non-rural carriers continue to receive federal support for their provision of local exchange telephone service in their service territory. We open this docket to consider the certification required by the FCC.

4. As part of this docket Commission Staff (Staff) is directed to conduct an investigation as to whether the state's non-rural carriers will use federal high-cost support only for the provision, maintenance, and upgrading of facilities and services for which that support is intended under federal rules. As part of that investigation, Staff should request necessary information from the non-rural carriers. It is our intent to issue the required certification prior to October 1, 2004. Staff is directed to timely report the results of its investigation to the Commission in light of that intent. Staff shall file a written report of its investigation in this docket and shall serve a copy of that report upon the affected carriers. Additionally, non-rural carriers wishing to submit information relating to the matters at issue here shall file that information in this docket.

II. ORDER

A. The Commission Orders That:

1. This docket is opened for the above-stated purposes.
2. Commission Staff shall conduct an investigation consistent with the above discussion.
3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 15, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners