

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-500T

IN RE: THE REJECTION OF TARIFF SHEET FILED BY LIGHTYEAR NETWORK SOLUTIONS, LLC. WITH ADVICE LETTER NO. 5.

ORDER REJECTING TARIFF SHEET

Mailed Date: October 7, 2004
Adopted Date: October 6, 2004

I. BY THE COMMISSION

A. Statement

1. On September 23, 2004, Lightyear Network Solutions, LLC (Lightyear), filed Advice Letter No. 5. The filing includes an increase in the Pay Telephone Surcharge, otherwise known as the dial-around payphone compensation charge, to \$0.54.

2. On September 22, 2004, the Commission adopted an emergency amendment to the Rules Regulating Operator Services for Telecommunications Service Providers and Telephone Utilities, 4 *Code of Colorado Regulations* (CCR) 723-18 Appendix A (Benchmark Maximum Operator Services Rates). The amendment increased the maximum rate for dial-around calls from \$0.26 to \$0.494 effective September 26, 2004. *See* Decision No. C04-1116.

B. Findings of Fact

3. The filing contains Colorado PUC Tariff No. 1, 1st Revised Page 39. This revised page notes an increase in the rate per call for the pay telephone surcharge to \$0.54.

4. Lightyear's requested increase for the pay telephone surcharge exceeds the Commission benchmark rate for dial-around compensation. A provider proposing a rate in

excess of the benchmark operator service rates shall be required to prove that such rates are just and reasonable and shall provide cost studies as required by Rules 4 and 5 of the Commission's Rules Prescribing Principles for Costing and Pricing of Regulated Services of Telecommunications Service Providers. Lightyear provided no cost studies with its filing.

4 CCR 723-18-5.4.4

C. Conclusions

5. Due to the deficiency in the filing identified above, the Commission will reject Colorado PUC Tariff No. 1, 1st Revised Page 39 of Advice Letter No. 5, filed by Lightyear.

II. ORDER

A. The Commission Orders That:

1. Colorado PUC Tariff No. 1, 1st Revised Page 39, filed by Lightyear Network Solutions, LLC, on September 23, 2004, is rejected.
2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 6, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners