

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98A-300T

IN THE MATTER OF THE APPLICATION OF DIECA COMMUNICATIONS, INC..
D/B/A COVAD COMMUNICATIONS COMPANY, REQUESTING A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICE ON A RESALE BASIS IN THE STATE
OF COLORADO; AND APPLICATION FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE SPECIFIED EMERGING
COMPETITIVE TELECOMMUNICATIONS SERVICES THROUGHOUT THE STATE
OF COLORADO.

**ORDER GRANTING FURTHER EXTENSION OF TIME TO
FILE EFFECTIVE TARIFF AND/OR PRICE LIST**

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

I. BY THE COMMISSION

A. Statement

1. On September 23, 2004, DIECA Communications, Inc., doing business as Covad Communications Company (Covad), filed a motion requesting a further extension of time within which to file its effective tariff and/or price list, pursuant to 4 *Code of Colorado Regulations* 723-25-6.

2. On September 25, 2003, the Commission granted Covad an extension of time until June 15, 2004 to file an effective tariff and/or price list. *See* Decision No. C03-1094.

3. On June 25, 2004, the Commission granted Covad an extension of time until September 23, 2004 to file an effective tariff and/or price list. *See* Decision No. C04-0700.

4. Covad does not offer jurisdictional telecommunications services within the State of Colorado.

5. As grounds for this request, Covad states that it is concerned that the Change Management Process for Local Service (CMP) Document may be interpreted to exclude providers of telecommunications services that do not have a certificate of public convenience and necessity (CPCN) granted by this Commission to provide local exchange service. For that reason, Covad wishes to maintain its CPCN until it is assured that it will be allowed to continue to participate in the CMP.

6. Covad represents that it may seek declaratory relief from this Commission in the very near future regarding its continued ability to participate in the CMP notwithstanding any lapse of its CPCN. Accordingly, Covad requests a further 60-day extension within which to either comply with the Commission's tariff filing requirements or seek alternate relief.

7. Based on the representations made in Covad's Motion, the Commission will grant Covad an additional 60 days from the Mailed Date of this Order to file its effective tariff and/or price list or to seek declaratory relief from the Commission. However, we point out that should Covad fail to file an effective tariff and/or price list or fail to seek declaratory relief within 60 days, the Commission would be very hesitant to grant any further extensions of time to Covad in this docket.

8. Now, being duly advised in the matter, the Commission finds good cause has been stated and will grant the motion.

II. ORDER

A. The Commission Orders That:

1. DIECA Communications, Inc., doing business as Covad Communications Company's motion for a further extension of time is granted.

2. DIECA Communications, Inc., doing business as Covad Communications Company is granted an additional 60 days from the effective date of this Order to file its effective tariff and/or price list, or seek declaratory relief from the Commission.

3. The Commission waives response time to the motion.

4. This Order is effective upon its Mailed Date.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners