

Decision No. C04-1466

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-629T

IN RE: THE REJECTION OF TARIFF SHEETS FILED BY CYPRESS COMMUNICATIONS OPERATING COMPANY, INC. WITH ADVICE LETTER NO. 4.

ORDER REJECTING TARIFF SHEETS

Mailed Date: December 10, 2004

Adopted Date: December 7, 2004

I. BY THE COMMISSION

A. Statement

1. On November 8, 2004, Cypress Communications Operating Company, Inc. (Cypress), filed Advice Letter No. 4 (attached as Exhibit 1). Cypress states that the purpose of this filing is to cancel and replace Colorado P.U.C. Tariff No. 1 in its entirety. The proposed effective date is December 14, 2004.

B. Findings of Fact

2. Pursuant to ordering paragraph 7 in Decision No. C00-897, mailed on August 18, 2000, Cypress is required to provide residential local exchange service. The filing does not contain any residential local exchange service offering and therefore is not in compliance with the Commission's Decision cited in paragraph 2 above.

3. In addition to paragraph 2 above, pursuant to Commission Rule 4 *Code of Colorado Regulations* 723-2-5.3, the filing does not include maps of the exchanges in which Cypress proposes to offer service.

4. Staff of the Commission (Staff) contacted a representative of the company and advised them of the requirement to offer residential local exchange service and the requirement to include the applicable exchange maps. Staff provided two options to the company: 1) File an amended Advice Letter No. 4 to include residential local exchange service offering; or 2) withdraw the filing. The company has not responded.

5. Now, being fully advised in the matter, we will reject Advice Letter No. 4 filed by Cypress.

II. ORDER

A. The Commission Orders That:

1. Advice Letter No. 4, and accompanying tariff sheets filed by Cypress Communications Operating Company, Inc. on November 8, 2004, are rejected.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 7, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners