

Decision No. C04-1549

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-562T

IN THE MATTER OF THE APPLICATION OF EMERGENT COMMUNICATIONS, LLC TO
ABANDON ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND TO
TRANSFER IT CUSTOMER BASE TO ITS PARENT COMPANY.

ORDER GRANTING APPLICATION

Mailed Date: December 28, 2004
Adopted Date: December 28, 2004

I. BY THE COMMISSION

A. Statement

1. On November 16, 2004, Emergent Communications, LLC (Emergent) and New Access Communications, LLC (New Access) filed a joint application requesting a Commission order authorizing a transfer of assets involving Emergent and New Access. 4 *Code of Colorado Regulations* 723-25-8.

2. The joint application also requested that Emergent be authorized to abandon its telecommunications authorities issued by the Commission without service disruption to its customers. 4 *Code of Colorado Regulations* 723-25-7.1.

3. New Access is the ultimate parent company of Emergent. Emergent was granted authority to provide local exchange and emerging telecommunications services in Decision No. C01-575. New Access also has Commission authority to provide local exchange and emerging competitive telecommunications services, granted in Decision No. C00-1203. Emergent and New Access each have effective tariffs on file.

4. The applicants intend to reorganize operations under its parent company where Emergent will transfer its assets, including its customer base, to its parent, New Access. This transaction is anticipated to occur on or about December 31, 2004. The applicants intend to continue service to Emergent's customers by having New Access adopt Emergent's effective tariffs on file with the Commission, using the name of New Access. Following the transfer, it is represented in the application that Emergent will be dissolved as an entity.

5. The parties are seeking approval of the transfer of approximately 540 residential customers to New Access from Emergent. Customers have been notified of the upcoming change of provider by bill inserts sent on October 31, 2004 and November 15, 2004. Customers have been informed that they will experience no change in their service, rates, or terms including telephone numbers.

6. On November 16, 2004, the Commission issued a Notice of Application Filed, giving notice to all interested parties. On November 30, 2004, the Commission issued an Errata to the notice that included an intervention date of December 20, 2004. No interventions were filed.

B. Discussion

7. The application is unopposed and may be considered without a hearing. § 40-6-109(5), C.R.S.

8. The Commission finds that the proposed transfer is not contrary to the public interest.

II. ORDER

A. The Commission Orders That:

1. The joint application for the transfer of Emergent Communications, LLC to New Access Communications, LLC is deemed complete and granted.

2. The request by Emergent Communications, LLC to abandon all of the telecommunications authorities issued by this Commission is approved. New Access Communications, LLC is ordered to file an adoption notice to adopt Emergent Communications, LLC's tariffs and grandfather the customer base within five days of the completion of the transaction that is the subject of this docket. The related advice letter shall be a compliance filing listing this Decision as its authority and may be filed on not less than one day's notice. In addition, within ten days of the completion of the transfer, New Access Communications, LLC shall file to cancel all of its effective tariffs, which includes the Emergent Communications, LLC tariff that was adopted pursuant to the transfer, and replace them with a single set of tariffs for New Access Communications, LLC. The effective cancellation dates shall be the same as the new proposed effective date of the new New Access Communications, LLC tariffs and shall be done on not less than 30 days' notice to the Commission.

3. Emergent Communications, LLC, shall continue to have the obligation to file an annual report with the Commission and to contribute to all applicable Colorado funds, including the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program for the period up to the date of the transfer to New Access Communications, LLC.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 28, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners