

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-076T

IN THE MATTER OF THE FILING OF ANNUAL REPORTS IN ACCORDANCE WITH
RULE 4 CCR 723-1-25 BY CARRIERS HOLDING A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY OR A LETTER OF REGISTRATION TO PROVIDE
TELECOMMUNICATIONS SERVICES IN THE STATE OF COLORADO, OR THAT ARE
REGISTERED TO RESELL INTRASTATE TOLL SERVICE.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING EXTENSION OF TIME
TO FILE ANNUAL REPORT
FOR THE 2003 REPORTING YEAR,
SETTING CONDITIONS, AND
WAIVING RESPONSE TIME**

Mailed Date: April 7, 2004

I. STATEMENT

1. On February 24, 2004, the Commission mailed Decision No. C04-0179 in this proceeding. In that decision the Commission specified the annual report forms which “each utility holding a Certificate of Public Convenience and Necessity or Letter of Registration to provide telecommunications services” and each registered reseller of intrastate toll services are to use to file annual reports for calendar year 2003 (2003 Annual Report). *Id.* at ¶ 4 and Appendix A. The Commission stated that the 2003 annual reports are to be filed no later than April 30, 2004, and that a filing utility may request an enlargement of time. *Id.* at ¶¶ 4-6.

2. The Commission also specified the one filing requirement which cannot be waived or extended: A motion for extension of time to file an annual report “*shall not include* a request for extension of time to file Form DR 525.” *Id.* at ¶ 6 (emphasis added). The reference

to Form DR 525 is a reference to “the report of gross regulated intrastate operating revenues required by the Colorado Department of Revenue, Form DR 525.” *Id.* at ¶ 3. Thus, the time for filing of the required Form DR 525 cannot be extended.

3. On March 29, 2004, KMC Telecom V Inc. (KMC), submitted a letter to the Commission requesting an extension of time to file its 2003 Annual Report. KMC seeks an extension of time of 30 days from the due date of April 30, 2004 (*i.e.*, until June 1, 2004, given the Memorial Day holiday). KMC states that, at present, it is experiencing difficulties in closing out its books for 2003. The letter states good cause, and the request will be granted.

4. The grant of this extension of time will be predicated on KMC’s timely filing the required Form DR 525 with the Colorado Department of Revenue. If KMC fails to make this filing as required, the grant of an extension of time to file the 2003 Annual Report with the Commission will be null and void as to it.

5. No party will be prejudiced by waiving the response time to KMC’s request. The time to respond to KMC’s request will be waived.

II. ORDER

A. It Is Ordered That:

1. The request of KMC Telecom V Inc., for an extension of time within which to file its 2003 Annual Report with the Commission is granted.

2. The time within which KMC Telecom V Inc., must file its 2003 Annual Report with the Commission is extended to and including June 1, 2004.

3. KMC Telecom V Inc., shall timely file the required Form DR 525 with the Colorado Department of Revenue.

4. If KMC Telecom V Inc., fails timely to file the required Form DR 525 with the Colorado Department of Revenue, the extension of time granted to it is null and void.

5. Response time to the request of KMC Telecom V Inc., is waived.

6. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge