

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 06R-279T

IN THE MATTER OF EMERGENCY RULES RELATING TO THE DEREGULATION OF
INTRALATA INTEREXCHANGE TELECOMMUNICATIONS SERVICES FOR
TELECOMMUNICATIONS SERVICE PROVIDERS AND TELEPHONE UTILITIES.

ORDER ADOPTING EMERGENCY RULES

Mailed Date: May 10, 2006

Adopted Date: May 10, 2006

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for adoption of emergency rules relating to the deregulation of jurisdictional intraLATA interexchange telecommunications services (intraLATA toll services) for telecommunications services providers and telephone utilities, 4 *Code of Colorado Regulations* (CCR) 723-38-10, pursuant to Commission Decision No. C05-0802 in consolidated Docket Nos. 04A-411T and 04D-440T. The Commission's Rules Regulating Telecommunications Providers, Services, and Products have been recodified to 4 CCR 723-2 with an effective date of April 1, 2006. For the reasons set forth in this Decision, we now adopt on an emergency basis (*i.e.*, without compliance with the rulemaking requirements for permanent rules set forth in § 24-4-103, C.R.S.) the emergency rules attached to this Decision.

2. The Commission is in the process of promulgating permanent rules in Docket No. 05R-527T, which will not be in effect prior to the expiration of the emergency rules currently in effect (adopted in Decision No. C05-1261, in Docket No. 05R-440T in old format rule 38).

Those emergency rules will expire on May 17, 2006. Generally, the purpose of the rules adopted by this Decision is to set the procedure for providers of intraLATA toll services to apply for deregulation of such service. These rules are enacted pursuant to provisions enumerated in Decision no. C05-0802.

3. New rule 2210 establishes the required contents of the application and compliance process for a provider to deregulate its intraLATA toll services as provided for in § 40-15-306, C.R.S.

4. These rules further the intent contained in Decision No. C05-0802 to streamline the process for the providers of such service when applying to deregulate intraLATA toll services.

5. We note that there are some minor text and administrative process changes to the current emergency rules that we adopted in Decision No. C05-1261. The substantive change to the emergency rules contained in Decision No. C05-1261 relates to the compliance filing following the Commission's approval of deregulation of an applicant's intraLATA toll services. In lieu of a compliance filing on not less than one-days notice, we are requiring a compliance filing with a not less than 14-days notice. This additional notice period will provide for additional time for Commission Staff to review changes in tariffs and or price lists to ensure that all references to intraLATA toll services have been either deleted or specifically referenced as deregulated.

6. As grounds for these findings, we state: It is necessary and appropriate to adopt these rules on an emergency basis to ensure that the application process for the deregulation of intraLATA toll may be implemented in Colorado in a timely basis. We adopt the attached rules

on an emergency basis in accordance with the provisions of § 40-15-306, C.R.S. and § 24-4-103(6), C.R.S.

7. The statutory authority for promulgation of these rules is set forth in §§ 24-4-103(6), 40-2-108, and 40-4-101, C.R.S. The rules attached to this order shall be effective immediately upon the mailed date of this Decision, and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

II. ORDER

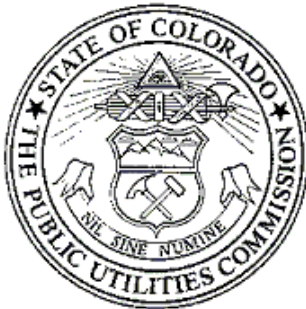
A. The Commission Orders That:

1. Emergency Rule 2210 appended to this Decision as Attachment A is hereby adopted as an emergency rule consistent with the above discussion.

2. This Order is effective upon its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING May 10, 2006.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

CARL MILLER

Commissioners

2210. Deregulation of IntraLATA Interexchange Telecommunications Services.

To apply for deregulation of intraLATA interexchange telecommunications services (intraLATA toll services), pursuant to Section § 40-15-306 C.R.S., a provider shall file an application with the Commission. The applicant may complete the Commission-issued application form, or may file a separate pleading with the information and documentation set forth below.

(a) Contents of Application. The Applicant shall contain the following information:

- (I) Applicant's name, complete mailing address (street, city, state and zip code), telephone number, and the name(s) under which the applicant is providing intraLATA toll services in Colorado, the name of the person filing the application, the representative's title or relationship to the Applicant and e-mail address of the representative;
- (II) Name, mailing address, telephone number and e-mail address of the person to contact for questions about the application;
- (III) Commission Decision number, which that granted the Applicant the authority to provide intraLATA toll services (-the Decision which that granted a CPCN and/or LOR, whichever is applicable);
- (IV) Whether the Applicant provides toll service on a resale basis from another facilities-based provider;
- (V) Whether the Applicant has effective tariffs on file with the Commission for the offering of intraLATA toll;
- (VI) Acknowledgement that within ~~10~~ten days of Commission approval to deregulate the Applicant's intraLATA toll authority, the Applicant shall make a compliance filing(s) in the form of an Advice Letter and/or Transmittal Letter (whichever is applicable), effective on not less than 14-days ~~one days~~ notice, to modify its effective tariff and/or price list by deleting all reference to intraLATA toll offerings or identify intraLATA toll offerings as deregulated by the Commission; and
- (VII) An affidavit signed by an officer, partner, owner, or employee, as appropriate, who is authorized to act on behalf of the Applicant, stating that the contents of the application are true, accurate, and correct and that the Applicant will fully comply with all of the requirements in the Decision which grants the authority to deregulate its intraLATA toll services.

2240-2211. Combined Applications.

An applicant may file an application for an alternative form of regulation, an application for reclassification, and/or an application for deregulation, in combination with any other application, e.g., an application for a CPCN. In a combined application, the applicant shall provide all information required for each component of the combined application.

2244- 2212– 2299. [Reserved].