

**Default, Alternative, and Simplified Forms of Regulation; Refraining from Regulation; and
Reclassification of Parts II and III Services**

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to identify default forms of regulation for services subject to the jurisdiction of the Commission and to establish procedures and standards concerning: alternative forms of regulation; simplified regulatory treatment for rural telecommunications providers; refraining from regulation for competitive purposes; reclassifying a regulated telecommunication service as an emerging competitive service; and deregulation of emerging competitive services.

The statutory authority for the promulgation of these rules is found at §§ 40-15-101, 40-15-112, 40-15-113, 40-15-201, 40-15-203, 40-15-203.5, 40-15-207, 40-15-301, 40-15-302, 40-15-305, 40-15-501, 40-15-502, 40-15-503, and 40-2-108, C.R.S.

2200. Applicability.

Rules 2200 through 2299 are applicable to all providers of services pursuant to § 40-15-201, C.R.S., (Part II) or pursuant to § 40-15-301, C.R.S., (Part III or emerging competitive services); except that rule 2202 is only applicable to ILECs, rule 2203 is only applicable to CLECs, rule 2206 is only applicable to rural ILECs, rule 2210 is only applicable to intraLATA interexchange telecommunications providers, and rule 2211 is only applicable to interLATA interexchange telecommunications providers. Nothing in rules 2200 through 2299, except rules 2210, and 2211, shall limit the Commission's authority to investigate the rates and charges assessed by providers.

2211. Deregulation of interLATA Interexchange Telecommunications Services.

InterLATA interexchange telecommunications services are not regulated by the Commission except as provided for in §§ 40-15-112, 40-15-113 and those not excluded by 40-15-401 C.R.S. Upon the effective date of this rule, all providers of such services shall:

- (a) File a notice of compliance with the Director of the PUC. Such Notice shall include the Docket No. which granted the provider the authority to offer such service, acknowledgment that interLATA interexchange services are deregulated, the name, address telephone number and email address of the person to contact and an affidavit signed by an officer, partner, owner or authorized agent, who is authorized to act on behalf of the company, stating that the contents of the notice are true, accurate and correct that that the company will fully comply with all applicable rules, statutes and requirements in paragraph b of this rule.
- (b) Within 10 days of the filing of the notice, 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 notice to modify its effective tariff and/or price list by deleting all references to interLATA toll offerings or identifying interLATA toll offerings as deregulated by the Commission.
 - (I) If a provider of such services fails to file such compliance filing pursuant to paragraph (b) of this rule, the rates, terms and conditions which are more favorable to the customer shall be the rates billed to the customer by the provider. Upon the effective date of such compliance filing, this condition shall be lifted.

- (c) Providers of interLATA interexchange telecommunications service shall continue to comply with all Commission rules and applicable statutes not expressly excluded by C.R.S. § 40-15-401.

2212. 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.

2213. – 2299. [Reserved].

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Rules 2200 through 2299 are applicable to all providers of services pursuant to § 40-15-201, C.R.S., (Part II) or pursuant to § 40-15-301, C.R.S., (Part III or emerging competitive services); except that rule 2202 is only applicable to ILECs, rule 2203 is only applicable to CLECs, rule 2206 is only applicable to rural ILECs, rule 2210 is only applicable to intraLATA interexchange telecommunications providers, and rule 2211 is only applicable to interLATA interexchange telecommunications providers. Nothing in rules 2200 through 2299, except rules 2210, and 2211, shall limit the Commission's authority to investigate the rates and charges assessed by providers.

2211. Deregulation of interLATA Interexchange Telecommunications Services.

InterLATA interexchange telecommunications services are not regulated by the Commission except as provided for in §§ 40-15-112, 40-15-113 and those not excluded by 40-15-401 C.R.S. Upon the effective date of this rule, all providers of such services shall:

- (a) File a notice of compliance with the Director of the PUC. Such Notice shall include the Docket No. which granted the provider the authority to offer such service, acknowledgment that interLATA interexchange services are deregulated, the name, address telephone number and email address of the person to contact and an affidavit signed by an officer, partner, owner or authorized agent, who is authorized to act on behalf of the company, stating that the contents of the notice are true, accurate and correct that that the company will fully comply with all applicable rules, statutes and requirements in paragraph b of this rule.
- (b) Within 10 days of the filing of the notice, 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 notice to modify its effective tariff and/or price list by deleting all references to interLATA toll offerings or identifying interLATA toll offerings as deregulated by the Commission.

(l) If a provider of such services fails to file such compliance filing pursuant to paragraph (b) of this rule, the rates, terms and conditions which are more favorable to the customer shall be the rates billed to the customer by the provider. Upon the effective date of such compliance filing, this condition shall be lifted.

(c) Providers of interLATA interexchange telecommunications service shall continue to comply with all Commission rules and applicable statutes not expressly excluded by C.R.S. § 40-15-401.

221~~24~~. 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.

221~~32~~. – 2299. [Reserved].

~~Operator Services and Interexchange Telecommunication Services~~

~~Basis, Purpose, and Statutory Authority~~

~~The basis and purpose of these rules is to identify and describe operator services that are subject to Commission regulation; to distinguish operator services subject to the Commission's jurisdiction from those not subject to the Commission's jurisdiction; to prescribe the regulatory treatment of jurisdictional services; and to identify alternative forms of regulatory treatment for such services and providers when appropriate.~~

~~The statutory authority for the promulgation of these rules is found at §§ 40-3-101; 40-15-112; 40-15-113; 40-15-201; 40-15-301(1) and (2)(g); 40-15-302(1)(a) and (5); and 40-2-108, C.R.S.~~

~~2170. Interexchange Telecommunications Services.~~

- ~~(a) InterLATA interexchange telecommunications services are not regulated by the Commission except as provided for in §§ 40-15-112 and 40-15-113 C.R.S. Upon the effective date of this rule, all providers of such services shall file a notice of acknowledgement of the deregulation of such services with the Director of the Commission and within 10 days of filing the notice, shall file an Advice Letter and/or Transmittal Letter on not less than 14 days notice, to remove all rates, terms and conditions for interLATA toll services from their tariffs and/or price lists, if applicable, or identify interLATA toll offerings as deregulated by the Commission.~~
- ~~(b) Pursuant to § 40-15-306, C.R.S., intraLATA interexchange telecommunications services are regulated by the Commission unless a provider of such services has filed an application for deregulation and that application has been approved by the Commission. See rule 2210 of the Commission's rules regarding the deregulation of intraLATA interexchange telecommunications services.~~

~~2170. – 2179. [Reserved].~~