

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 06A-643T

IN THE MATTER OF THE APPLICATION OF FIRST COMMUNICATIONS, LLC, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES (4 CCR 723-2-2103) AND A LETTER OF REGISTRATION TO PROVIDE EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICES (4 CCR 723-2-2103).

ORDER GRANTING APPLICATION

Mailed Date: January 4, 2007
Adopted Date: January 3, 2007

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On November 30, 2006, First Communications, LLC (FCLLC) filed an application for a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services and Letter of Registration (LOR) to provide emerging competitive telecommunications services pursuant to 4 *Code of Colorado Regulations* (CCR) 723-2-2103. FCLLC's filing also included a request for approval of a transfer of assets.

2. Notice of the application was posted on the Commission's web site on December 1, 2006. Interventions were due on or before January 2, 2007. No interventions were filed.

3. On December 5, 2006, FCLLC filed a request to withdraw the asset transfer portion of the application. The Company wished to retain the request for a CPCN and LOR.

B. Discussion

4. The application is complete and unopposed, and may be considered without a hearing pursuant to § 40-6-109(5), C.R.S. We construe FCLLC's request to withdraw the asset transfer portion of its application as a motion to amend its filing.

5. Granting FCLLC's application is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.

6. Before providing local exchange services, FCLLC must: (1) have effective tariffs for its services on file with the Commission; and (2) comply with all statutory and regulatory requirements applicable to telecommunications providers subject to the jurisdiction of the Commission pursuant to 4 CCR 723-2-2103(a)(XV).

II. ORDER**A. The Commission Orders That:**

1. First Communications, LLC's application is deemed complete.
2. The motion filed by FCLLC on December 5, 2006 to amend its filing to only include a request for a CPCN and LOR is granted.
3. FCLLC is granted a CPCN to provide local exchange telecommunications services. A detailed description of the applicant's service territory shall be delineated in the local calling areas in FCLLC's tariff.
4. FCLLC's local exchange telecommunications services shall be regulated under the regulatory scheme it selected under 4 *Code of Colorado Regulations* (CCR) 723-2-2203, Option One.

5. FCLLC is granted a LOR to provide the following emerging competitive telecommunications service throughout the State of Colorado: Advanced Features, Premium Services, IntraLATA Toll, Switched Access, and Jurisdictional Private Line Services.

6. FCLLC's emerging competitive telecommunications services will be regulated under the default regulatory scheme it selected under 4 CCR 723-2-2203, Option One.

7. FCLLC shall serve customers in its service territory on a non-discriminatory basis. "Service territory" shall be defined as that portion of Colorado included in the local exchange maps provided or incorporated by reference in the applicant's tariff. However, FCLLC shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

8. By not later than January 3, 2008, and before commencing operations under this CPCN to provide local exchange telecommunications services and LOR to provide emerging competitive telecommunications services, FCLLC shall file an Advice Letter and accompanying tariff, to be effective on not less than 30 days' notice. The proposed tariff shall contain all the information required under 4 CCR 723-2-2122. FCLLC may also file a separate price list in addition to its proposed tariff under 4 CCR 723-2-2123.

9. If FCLLC fails to file an Advice Letter and proposed tariff by January 3, 2008, this CPCN to provide local exchange telecommunications services and this LOR to provide emerging competitive telecommunications services shall be deemed null and void without further action of the Commission. For good cause shown, and if a proper request is filed within one year of the Mailing Date of this Order, the Commission may grant FCLLC additional time within which to file a tariff.

10. In accordance with the Commission's Rules of Practice and Procedure, FCLLC will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles.

11. Consistent with terms and conditions established in previous Commission decisions, FCLLC will be required to contribute, if applicable, to the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Disabled Telephone Users Fund, the Low Income Telephone Assistance Fund, and other financial support mechanisms that may be created in the future by the Commission to implement §§ 40-15-502(4) and (5), C.R.S.

12. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 3, 2007.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners