

Decision No. C14-0613

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0386T

IN THE MATTER OF THE APPLICATION OF NEWPATH NETWORKS, LLC FOR A
LETTER OF REGISTRATION TO PROVIDE EMERGING COMPETITIVE
TELECOMMUNICATIONS SERVICES (4 CCR 723-2-2103).

DECISION GRANTING APPLICATION

Mailed Date: June 9, 2014

Adopted Date: June 5, 2014

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On April 29, 2014, NewPath Networks, LLC (NewPath), filed an application for a Letter of Registration (LOR) to provide emerging competitive telecommunications services pursuant to Rule 2103 of the Commission's Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* 723-2.

2. On April 30, 2014, notice of the application was provided to all persons, firms, or corporations, interested in or affected by the grant or denial of the requested relief. Interventions were due on or before May 30, 2014. No interventions were filed.

3. On May 19, 2014, NewPath amended its application with information that was missing from its original filing.

B. Discussion

4. The application, as amended, is complete and unopposed and therefore may be considered without a hearing pursuant to § 40-6-109(5), C.R.S.

5. We find that granting NewPath’s application is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S. Therefore, we grant NewPath’s LOR to provide emerging competitive telecommunications service pursuant to Rule 2103.

6. Before providing emerging competitive telecommunications services NewPath 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 Rule 2103.

II. ORDER

A. The Commission Orders That:

1. The application of NewPath Network, LLC (NewPath) is deemed complete.

2. Applicant NewPath is granted a Letter of Registration (LOR) to provide the following emerging competitive telecommunications service throughout Colorado: Jurisdictional Private Line service.

3. Applicant NewPath 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 maps provided or incorporated by reference in the Applicant’s tariff. However, Newpath shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

4. Before commencing operations under this LOR to provide emerging competitive telecommunications services, NewPath shall file an Advice Letter and accompanying tariff, on not less than 30 days’ notice, to be effective within 1 year from the Mailed Date of this Decision.

The proposed tariff shall contain all the information required under Rule 2122. Applicant NewPath may also file a separate price list in addition to its proposed tariff under Rule 2123.

5. If NewPath fails to file an Advice Letter and proposed tariff that is effective within one year from the Mailed Date of this Decision, this LOR to provide emerging competitive telecommunications service 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 Mailed Date of this Decision, the Commission may grant NewPath additional time within which to file a tariff.

6. We will also require NewPath to maintain its books of accounts and records using Generally Accepted Accounting Principles.

7. Applicant NewPath will be required to contribute, if applicable, for all intraLATA services, to the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Disabled Telephone Users 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.

8. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 5, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners