

Decision No. C14-0628

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14U-0421T

IN THE MATTER OF BIG RIVER TELEPHONE COMPANY, LLC FILING A
DECLARATION OF INTENT TO PROVIDE LOCAL EXCHANGE SERVICES
WITHIN THE TERRITORY OF A RURAL TELECOMMUNICATIONS PROVIDER.

**DECISION GRANTING
PETITION WITH MODIFICATION**

Mailed Date: June 12, 2014
Adopted Date: June 11, 2014

I. BY THE COMMISSION

A. Statement

1. On May 6, 2014, Big River Telephone Company (Big River or Company), filed a petition stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider (Petition) pursuant to Rule 2106 of the Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* (CCR) 723-2. We grant the Petition, with modification, as discussed below.

B. Background

2. Big River is seeking authority to provide Voice over Internet Protocol telephone services in ten wire centers in the rural service territories of CenturyTel of Eagle, Inc. The wire centers are Creede, Saguache, Center, Antonito, La Jara, Manassa, San Luis, Wray, Lake City, and Burlington.

3. Big River also identified two Qwest Corporation (CenturyLink QC) wire centers in its Petition, Del Norte and Monte Vista.

4. On May 7, 2014, a 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 June 6, 2014.

5. No petition to intervene or notice of intervention has been filed, and thus the Petition is uncontested. Accordingly, the Petition will be determined without a formal hearing in accordance with § 40-6-109(5), C.R.S., and Rule 1403 of the Rules of Practice and Procedure, 4 CCR 723-1.

6. On May 6, 2014, the Company filed a copy of the notification of filing that it provided to CenturyTel of Eagle, Inc. in its Petition.

C. Discussion

7. Big River was granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services throughout the State of Colorado,¹ and has an effective tariff on file with the Commission. We find that granting the request in Big River's Petition, with modification, is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S., and with the public interest.

8. As requested in its Petition, Big River is granted authority to provide local exchange telecommunications services in ten wire centers in the rural service territories of CenturyTel of Eagle, Inc. Before providing local exchange telecommunications service to customers in the ten CenturyTel of Eagle, Inc. service territories listed in Exhibit A, Big River must file an Advice Letter and proposed tariff, or modification of an existing tariff, which shall identify the exchanges, local calling areas, and service offerings, on not less than 30 days' notice.

¹ See Decision No. C13-0737, Proceeding No. 13A-0491T, issued June 21, 2013.

9. However, CenturyLink QC is not a rural telecommunications provider and, therefore, we do not grant requests pursuant to Rule 2106, 4 CCR 723-2, for wire centers that are within CenturyLink QC's service territory. The service territory of CenturyLink QC is currently subject to competitive entry; the Commission previously granted several petitions and declarations of intent to provide local exchange telecommunications services in CenturyLink QC's service territory.² On our own motion, we modify Exhibit A of the Petition to remove the two listed CenturyLink QC wire centers, Del Norte and Monte Vista, which should not be included in a request pursuant to Rule 2106, 4 CCR 723-2.

II. ORDER

A. The Commission Orders That:

1. The Petition filed by Big River, Inc. (Big River or Company) on May 6, 2014 stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider is granted, as modified, consistent with the discussion above.

2. Big River is granted the authority to provide local exchange telecommunications services in the ten wire centers as identified in its petition in the territories of CenturyTel of Eagle, Inc. The specific exchanges are listed in Exhibit A of the Petition, and do not include the two CenturyLink QC wire centers, Del Norte and Monte Vista.

3. Exhibit A to the Petition is modified to remove the two CenturyLink QC wire centers listed, Del Norte and Monte Vista.

² See Decision Nos. C13-1076 (Metropolitan Telecommunications of Colorado, Inc.) Proceeding No. 13U-0833T, issued August 28, 2013; C10-1171 (BullsEye Telecom, Inc.) Proceeding No. 10U-650T, issued October 29, 2010; C09-0803 (Southeast Colorado Power Association, Inc.) Proceeding No. 09U-440T, issued July 24, 2009; C06-0704 (Granite Telecommunications, LLC) Proceeding No. 06M-266T, issued June 16, 2006; C06-1433 (FastTrack Communications, Inc.) Proceeding No. 06U-587T, issued December 7, 2006; and C07-0479 (360networks (USA), Inc.) Proceeding No. 07U-149T, issued June 6, 2007.

4. Big River shall serve customers in its service territory on a non-discriminatory basis. "Service territory" shall be defined as that portion of Colorado encompassed by the exchange areas included or referenced in the Company's tariff and as listed in Exhibit A of the Petition, as modified. However, Big River shall not be required to extend service to customers where the underlying facilities-based provider has no facilities.

5. Unless the Commission orders otherwise, Big River shall begin providing local exchange services within one year after the effective date of this Decision granting its Declaration of Intent.

6. Before commencing operations pursuant to the grant of the Declaration of Intent, Big River shall file an Advice Letter and a proposed tariff, or modification of its then existing tariff to become effective on not less than 30 days' notice.

7. If Big River fails to file a tariff within one year from the effective date of this Decision, this Declaration of Intent which grants the authority to provide local exchange telecommunications in the service territory of CenturyTel of Eagle, Inc. shall be deemed null and void without any further action by the Commission. For good cause shown, and if a proper request is filed within one year of the effective date of this Decision, the Commission may grant Big River additional time within which to file a tariff.

8. In accordance with the Rules of Practice and Procedure, Big River will be required to maintain its books of accounts and records using Generally Accepted Accounting Principles.

9. Consistent with terms and conditions established in previous Commission decisions, Big River will be required to contribute, if applicable, for local and intraLATA services, to the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost

Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, 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.

10. 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.

11. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners