

Decision No. C14-1202

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0807T

IN THE MATTER OF THE APPLICATION OF ROCKYNET.COM, INC. FOR THE APPROVAL OF A REFUND PLAN REGARDING THE SELLING OF REGULATED SERVICES WITHOUT A CPCN.

DECISION GRANTING APPLICATION

Mailed Date: October 2, 2014
Adopted Date: September 3, 2014

I. BY THE COMMISSION

A. Statement

1. On July 25, 2014, Rockynet.com, Inc. (Rockynet) filed an application for approval of a customer refund plan.

2. Rockynet had their Certificate of Public Convenience and Necessity (CPCN) revoked December 7, 2012, Decision No. R12-1410, Proceeding No. 12C-1012T for failing to file their 2011 Annual Report.

3. On April 4, 2013, Rockynet's application for CPCN was granted in Decision No. C13-0385, Proceeding No. 13A-0126T. They filed their tariff in Proceeding No. 13AL-0982T on September 5, 2013, with an effective date of October 18, 2013. The tariff was approved by operation of law.

4. Rockynet provided regulated services to their customers during the period of time that they did not have a CPCN and/or an effective tariff.

5. Commission Staff reviewed Rockynet's proposed customer refund and concurs in the amounts owed.

6. Rockynet is also requesting a waiver of 4 *Code of Colorado Regulations* 723-2-2002(d) of the Commission's Rules Regulating Telecommunications Providers, Services, and Products, because the number of customers affected is very small. They have provided a copy of a customer notification that will be sent to each customer directly in lieu of a public notice.

B. Discussion

7. We find that the application contains all of the information required by applicable Commission rules and is therefore deemed complete.

8. We find that Rockynet's waiver request of public notice is reasonable.

9. Per the refund plan, all refunds will be completed within 60 days of its acceptance. Any unclaimed refunds are to be submitted to the Colorado General Fund and credits will be applied to all customers' accounts open balances due, prior to a check refund being issued, if applicable.

II. ORDER

A. The Commission Orders That:

1. The application filed on July 25, 2014 by Rockynet.com, Inc. is deemed complete.

2. Rockynet.com, Inc. is granted a waiver of 4 *Code of Colorado Regulations* 723-2-2002(d) and will provide individual notice to each of the affected customers rather than a public notice.

3. Upon completion of the Refund Plan, Rockynet.com Inc. shall file an affidavit with the Commission which establishes and attests that the refunds have been made in

accordance with this Decision. Such affidavit shall include a detailed summary of the actual amounts refunded and identify any unclaimed refunds.

4. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 3, 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