

Decision No. R16-0902-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 16R-0453T

IN THE MATTER OF THE PROPOSED AMENDMENTS TO TELECOMMUNICATIONS
RULES IMPLEMENTING HB14-1329, HB14-1330, AND HB14-1331, 4 CODE OF
COLORADO REGULATIONS 723-2.

**INTERIM DECISION OF
HEARING COMMISSIONER FRANCES A. KONCILJA
SETTING SCHEDULE FOR COMMENTS**

Mailed Date: September 29, 2016

I. STATEMENT

1. The undersigned Hearing Commissioner held a workshop on September 27, 2016, for participants to discuss the issues raised in the comments, reply comments and the revised proposed rules attached to Decision No. R-16-0873-I, issued September 22, 2016. The exchange of information at the workshop was very helpful to the Hearing Commissioner and Commission staff.

2. Prior to the hearing scheduled for October 27, 2016, the Hearing Commissioner urges the participants to work together to provide further input and any suggested modifications to the revised proposed rules as a result of the workshop discussions.

3. To the extent possible, the Hearing Commission requests participants to reach consensus and provide joint comments and suggested redline changes specifically regarding Rule 2104, the proposed voluntary operating authority and the requirements of the application and Commission approval process. These joint comments are due October 14, 2016.

4. The Hearing Commissioner also understands that a sub-group of the participants will continue to work with Commission staff and hold discussions concerning alternatives to tariffing requirements.

5. Further, the Hearing Commissioner requests participants respond to the following legal questions and provide those comments and positions by October 14, 2016.

- What is the legal basis, including any citations to statutes or precedent, to assert that a CPCN or LOR approved by the Commission for services that are now deregulated continues to provide any legal authority in the state of Colorado?
- Identify the actions or types of actions that you believe are authorized pursuant to a CPCN or LOR that includes services that are now deregulated.
- What is the legal basis, including any citations to statutes or precedent, for the Commission to withdraw or declare void, any existing tariffs that cover services that are now deregulated?
- Identify the business opportunities that companies are not able to obtain as the result of not having a registration or operating authority from the Commission.
- For each of the following funds: Disabled Telephone Users Fund (TRS), Colorado High Cost Support Mechanism (CHCSM), Telecommunications Utilities Fund, and Emergency Telecommunications (9-1-1), identify which categories of telecommunications providers (e.g., VoIP, CMRS, IXC, LECs, HCSM recipients, etc.) are required by state or federal statute to contribute, include any citations to statutes or precedent. Also, by fund, indicate which categories of telecommunications providers are not legally required to contribute.

6. The Hearing Commissioner will also accept comments on other legal and policy issues that participants may wish to address and they should be submitted by October 14, 2016.

7. On October 21, 2016, the Hearing Commissioner will issue a decision that includes second revised proposed rules. These proposed rules will form the basis for any further discussion at the hearing scheduled for October 27, 2016.

II. ORDER

A. It Is Ordered That:

1. Participants shall file all written comments, redline versions of the rules, and legal responses to the questions posed above, by October 14, 2016.
2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

FRANCES A. KONCILJA

Hearing Commissioner

ATTEST: A TRUE COPY

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

Doug Dean, Director