

Decision No. C19-0730

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 19A-0416T

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IN THE MATTER OF THE APPLICATION OF TKC TELECOM LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) FOR THE PROVISION OF PART IV SERVICES IN THE STATE OF COLORADO (4 CCR 723-2-2103).

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**DECISION DISMISSING APPLICATION  
AND CLOSING THE PROCEEDING**

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Mailed Date: September 4, 2019

Adopted Date: September 4, 2019

**I. BY THE COMMISSION**

**A. Statement**

1. On July 29, 2019, TKC Telecom LLC (TKC) filed an application for a Certificate of Public Convenience and Necessity (CPCN) to provide Part IV Services pursuant to 4 *Code of Colorado Regulations* (CCR) 723-2-2103 of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services.

2. Staff of the Public Utilities Commission (Staff) sent a written notification pursuant to Rule 1303(c)(II) of the *Rules of Practice and Procedure*, 4 CCR 723-1 on July 30, 2019, to the contact person identified in TKC's application. Staff requested information for Section 1(E) that was not adequately answered and for missing information in Section 2 of the Commission provided application form, necessary for the application to be deemed complete and for the Commission to issue a CPCN. The written notification also included a request for additional information related to TKC's operational experience.

3. Information that is required on the application form that was unanswered is in Section 2 (financial statements, detailed information on the sources of capital funds that will be used to provide telecommunications services and identification of individuals that will be responsible for provisioning services in Colorado). In addition, an incomplete address was provided in Section 1(E) for the applicant's Commission Designated Agent in Colorado.

4. Rule 1303(c)(II) states that the applicant's response, if any, shall be filed no later than ten days after Staff's written notification was sent. Staff requested that the responses to the inquiries be submitted by August 9, 2019. TKC failed to file a response.

5. Rule 1303(c)(II) further states that if the applicant does not respond in the time allotted, the Commission may, after the application's notice period has expired, dismiss the application without prejudice and close the proceeding. The notice period expired on August 28, 2019.

6. Based on TKC's failure to timely respond to Staff's written notification and failure to provide the necessary information within the time provided in Rule 1303(c)(II), we find good cause to dismiss the application for a CPCN filed by TKC, without prejudice.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Application for a Certificate of Public Convenience and Necessity filed by TKC Telecom LLC, on July 29, 2019, is dismissed without prejudice.

2. This Proceeding is closed.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 4, 2019.**

(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

JEFFREY P. ACKERMANN

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FRANCES A. KONCILJA

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JOHN GAVAN

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Commissioners