

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

PROCEEDING NO. 20U-0266T

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IN THE MATTER OF THE PETITION FOR THE DECLARATION OF BANDWIDTH.COM CLEC, LLC OF INTENT TO SERVE WITHIN TERRITORY OF RURAL TELECOMMUNICATIONS PROVIDERS.

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**DECISION GRANTING PETITION**

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Mailed Date: August 4, 2020  
Adopted Date: July 29, 2020

**I. BY THE COMMISSION**

**A. Statement**

1. On June 19, 2020, Bandwidth.com CLEC, LLC (Bandwidth.com or Company), filed a petition stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider (Petition) pursuant to Rules 2003(a)(III) and 2107 of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2.

2. Bandwidth.com intends to provide local telecommunications services to its customers using facilities-based services to provide wholesale local telecommunications service inputs in support of the provision of interconnected and non-interconnected Voice over Internet Protocol (VoIP). The services to be provided are in the serving territory of CenturyTel of Eagle, Inc., Consolidated Communications of Colorado, Delta County TeleComm Inc. (Delta County), and CenturyTel of Colorado, Inc., doing business as CenturyLink (CenturyLink). Bandwidth.com intends to provide these services in: (a) the Allison, Pagosa Springs, and Marvel exchanges of CenturyLink; (b) the Akron, Center, Cheyenne Wells, Dove Creek, Eagle, Edwards,

Gypsum, Holly, La Jara, Las Animas, Rangely, Rocky Ford, San Luis, Springfield, Walden, Westcliffe, Wray; and Yuma exchanges of CenturyTel of Eagle, Inc.; (c) the Crestone and Mosca exchanges in the service area of Consolidated Communications of Colorado Company; and (d) the Cedaridge, Crawford, Eckert, Hotchkiss, Paonia, and Somerset exchanges in Delta County.

3. On June 19, 2020, 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 July 20, 2020. Bandwidth.com has represented in its Petition that it has directly notified CenturyTel of Eagle, Inc., Consolidated Communications of Colorado, Delta County, and CenturyLink, the rural incumbents affected, by first class mail, of their Declaration of Intent to Serve. This is a requirement to Rule 2107.

4. 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.

## **B. Discussion**

5. The service territory of CenturyLink and CenturyTel of Eagle is currently subject to competitive entry. The Commission previously granted several petitions and/or declarations of intent to provide local exchange telecommunications services in CenturyLink's service territory within the past five years. *See* recent Decision Nos. C18-1170 (Teleport Communications America, LLC) Proceeding No. 18U-0800T, mailed December 26, 2018; C17-0767 (Level 3 Communications LLC) Proceeding No. 17U-0555T, mailed September 21, 2017; C16-1125 (Level 3 Communications LLC) Proceeding No. 16U-0783T, mailed

December 9, 2016; and C14-0604, (ZippyTech, Inc.) Proceeding No. 14U-0364T, mailed June 9, 2014. The service territory of Delta County is also subject to competition as demonstrated with several interconnection agreements (including Proceeding Nos. 19T-0296; 07T-361; 07T-035; 05T-426). The service territory of Consolidated Communications of Colorado, is also subject to competition as demonstrated with several interconnection agreements (including Proceeding Nos. 01T-126 and 06T-213).

6. Bandwidth.com was granted a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications by Decision No. C08-0216, Proceeding No. 07A-414T, mailed March 4, 2008.

7. In 2014, the General Assembly passed telecom deregulation legislation that reclassified many services into Part 4 of Title 40, Article, 15. *See* § 40-15-401, C.R.S. Subject to certain exceptions, including those for basic service as provided in § 40-15-401(1)(b), C.R.S., products, services, and providers listed in § 40-15-401, C.R.S. (Part 4), “are exempt from regulation under this article or under the ‘Public Utilities Law’ of the state of Colorado.” § 40-15-401(1), C.R.S. Section 402 also emphasizes the deregulatory status of services listed in section 401, by stating: “Nothing in articles 1 to 7 of this title [40] or parts 2 and 3 of this article [15] shall apply to deregulated services and products pursuant to this part 4.” § 40-15-402(1), C.R.S.

8. We acknowledge that Bandwidth.com services are no longer regulated under Part 2 of § 40-15-201, C.R.S., but Bandwidth.com is requesting approval of its intent to serve pursuant to the new Rule 2107 adopted September 1, 2017. The Commission, by this Decision, is not asserting jurisdiction over Bandwidth.com services.

9. The Commission updated its existing telecommunications rules to be consistent with the 2014 Telecommunications Reform Legislation. *See Proceeding No. 16R-0453T*. The 2014 Telecommunications Reform Legislation made changes that no longer require Commission authorization (a CPCN) to offer deregulated local exchange service.

10. The federal telephone Numbering Administrator that assigns the thousand block pooling of numbers to providers, requires that the Company provide state commission approval as part of its required documentation to obtain telephone numbers to offer competitive services in rural areas. Bandwidth.com requires the NPA-NXX-x blocks in each of the rate centers listed above in order to provide its standard VoIP product offerings. The Commission will consider Bandwidth.com's Petition but affirms that it does not assert any jurisdiction over deregulated services of local exchange services.

11. We find that granting Bandwidth.com's Petition is consistent with the legislative policy statements contained in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S., the Telecommunications Act of 1996, 47 U.S.C. § 251, and with the public interest for Bandwidth.com to provide competitive services in the requested rural exchanges.

## II. ORDER

### A. The Commission Orders That:

1. The Petition filed by Bandwidth.com CLEC, LLC (Bandwidth.com), on June 19, 2020 stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider is granted. Notwithstanding the granting of the Petition, the Commission is not exerting jurisdiction over Bandwidth.com services. These exchanges are: Allison, Pagosa Springs and Marvel of CenturyTel of Colorado, Inc., doing business as CenturyLink; Akron, Center, Cheyenne Wells, Dove Creek, Eagle, Edwards, Gypsum, Holly,

La Jara, Las Animas, Rangely, Rocky Ford, San Luis, Springfield, Walden, Westcliffe, Wray, and Yuma exchanges of CenturyTel of Eagle, Inc., doing business as CenturyLink; Crestone and Mosca exchanges of Consolidated Communications of Colorado Company; and the Cedaridge, Crawford, Eckert, Hotchkiss, Paonia, and Somerset exchanges in the Delta County Telecomm, Inc. territory.

2. 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.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 29, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners