

Decision No. C21-0008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20U-0427T

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

COMMISSION DECISION GRANTING PETITION

Mailed Date: January 06, 2021
Adopted Date: November 25, 2020

I. BY THE COMMISSION

A. Statement

1. On October 15, 2020, Bandwidth.com CLEC, LLC (Bandwidth.com CLEC), 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 CLEC intends to offer the provision of interconnected Voice over Internet Protocol (VoIP). Bandwidth.com CLEC will need local trunks to interconnect with the local exchange provider's TDM Network. Bandwidth.com CLEC will not be providing TDM service to retail customers.

3. The services to be provided are located in the serving territory of CenturyTel of Eagle, Inc. d/b/a CenturyLink. The Company intends to provide these services in the Antonito, Branson, Bristol-Granada, Burlington, Campo, Cheraw, Collbran, Creede, Dolores, Fowler, Gardner, Howard, Ignacio, La Junta, La Veta, Lake City, Lake George, Lamar, Manassa,

Manzanola, Maybell, McCoy, Mesa, Norwood, Ordway, Otis, Pike Trails, Red Feather Lakes, Saguache, Stratton, Two Buttes, Walsh, and Weston exchanges.

4. On October 16, 2020 a notice of the petition was provided to all persons, firms, or corporations, interested in or affected by the grant or denial of the requested relief. Bandwidth.com CLEC has represented in its Petition that it has directly notified CenturyTel of Eagle, Inc. d/b/a CenturyLink, the rural incumbent affected, by first class mail, of their Declaration of Intent to Serve. This is a requirement in Rule 2107.

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.

B. Discussion

6. The service territory of CenturyTel of Eagle, Inc. d/b/a CenturyLink is currently open to competitive providers and competitive entry. The service territory of CenturyTel of Eagle, Inc. d/b/a CenturyLink is also subject to competition, as demonstrated with several interconnection agreements (including Proceeding Nos. 02T-479; 03T-066; 08T-087 and 09T-042).

7. Bandwidth.com CLEC was granted a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications in Proceeding No. 07A-414T, by Decision No. C08-0216 issued on February 27, 2008.

8. 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.

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

10. 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.

11. 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 CLEC 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 CLEC’s Petition but affirms that it does not assert any jurisdiction over deregulated services of local exchange services. The Company intends to provide these services in the Antonito, Branson, Bristol-Granada, Burlington, Campo, Cheraw, Collbran, Creede, Dolores, Fowler, Gardner, Howard, Ignacio, La Junta, La Veta, Lake City, Lake George, Lamar,

Manassa, Manzanola, Maybell, McCoy, Mesa, Norwood, Ordway, Otis, Pike Trails, Red Feather Lakes, Saguache, Stratton, Two Buttes, Walsh, and Weston exchanges.

12. We find that granting Bandwidth.com CLEC 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 in Bandwidth.com CLEC to provide competitive services in the requested rural exchanges.

II. ORDER

A. The Commission Orders That:

1. The Petition filed by Bandwidth.com CLEC on October 15, 2020 stating its Declaration of Intent to Serve Within the Territory of a Rural Telecommunications Provider to serve in the Antonito, Branson, Bristol-Granada, Burlington, Campo, Cheraw, Collbran, Creede, Dolores, Fowler, Gardner, Howard, Ignacio, La Junta, La Veta, Lake City, Lake George, Lamar, Manassa, Manzanola, Maybell, McCoy, Mesa, Norwood, Ordway, Otis, Pike Trails, Red Feather Lakes, Saguache, Stratton, Two Buttes, Walsh, and Weston exchanges are granted. Notwithstanding the granting of the Petition, the Commission is not exerting jurisdiction over Bandwidth.com CLEC's services.

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
November 25, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN C. GAVAN

MEGAN GILMAN

Commissioners