

Decision No. C21-0245

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0029T

IN THE MATTER OF THE APPLICATION OF CONEXON CONNECT LLC FOR ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION FOR PURPOSES OF RECEIVING RURAL DIGITAL OPPORTUNITY FUND PHASE I AND LIFELINE SUPPORT.

**COMMISSION DECISION MODIFYING
RECOMMENDED DECISION**

Mailed Date: April 22, 2021

Adopted Date: April 21, 2021

I. STATEMENT

1. This Decision modifies Recommended Decision No. R21-0184 issued in this Proceeding on March 26, 2021. The Recommended Decision reaches a number of conclusions and we do not disturb them except to make clear that this Commission remains the proper venue for Conexon Connect LLC (Conexon) to file an application for Eligible Telecommunications Carrier (ETC) designation in non-tribal service areas in Colorado.

2. The background of this proceeding is set forth in the Recommended Decision. Picking up where that history leaves off, at the April 14, 2021 weekly meeting, the Commission stayed the Recommended Decision. It now issues this Decision modifying the Recommended Decision.

3. The Recommended Decision makes two statements that are relevant to this Decision. First, it concluded that the Commission would not exercise jurisdiction over the tribal lands covered by Conexon's Application. Second, it dismissed the Application, stating that Conexon could choose one of two paths: (1) file its application at the Federal Communications

Commission (FCC) (covering both tribal and non-tribal service areas); or (2) file an application covering non-tribal lands with this Commission, and an application covering tribal lands at the FCC.

4. We affirm the first statement and make clear that the Commission will not exercise jurisdiction as to ETC designation over the tribal lands covered by Conexon's Application.

5. We modify the Recommended Decision with respect to the second statement. The Commission will continue to exercise its jurisdiction over non-tribal service areas in Colorado. State jurisdiction over ETC applications is an important part of telecommunications regulation and it serves a variety of important functions. Therefore, the proper venue for Conexon to seek ETC designation over non-tribal areas in Colorado remains this Commission.

6. We do not disturb the Administrative Law Judge's decision to dismiss Conexon's Application. The company is welcome to file a new application that seeks ETC designation in non-tribal areas of the state. If it intends to seek ETC designation over the tribal areas covered in its original application, the company will have to file an application for those areas with the FCC.

II. ORDER

A. The Commission Orders

1. Recommended Decision No. R21-0184 is modified as discussed above, and adopted in all other respects.

2. This Decision is effective on its mailed date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 21, 2021.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners