

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24C-0346T

IN THE MATTER OF COMMISSION TRIAL STAFF'S REQUEST FOR ISSUANCE OF A SHOW CAUSE ORDER REQUIRING TELECOMMUNICATION PROVIDERS TO EXPLAIN WHY FILING OF THE DR 0525 FORM FOR 2022 HAS NOT BEEN MADE TO COMPLY WITH COMMISSION RULES AND ORDERS.

**RECOMMENDED DECISION
GRANTING UNOPPOSED MOTION TO DISMISS,
VACATING SHOW CAUSE HEARING, AND CLOSING
PROCEEDING**

Issued Date: September 24, 2024

I. STATEMENT

A. Background

1. On August 8, 2024, Trial Staff of the Colorado Public Utilities Commission (“Staff”) filed a Request for Show Cause Order Against Telecommunication Providers that allegedly failed to file a copy of the Department of Revenue’s DR 0525 form for the year ending December 31, 2022 to the Commission in accordance with Commission rules and Decision No. C23-0527-I, filed on August 8, 2023, in Proceeding No. 23M-0007T (“Request”). The Request initiated this proceeding, which was subsequently assigned to the undersigned Administrative Law Judge (“ALJ”).

2. On August 21, 2024, the Commission issued an Order Setting Hearing for September 18, 2024 (“Order”). The Order stated that “[t]he ALJ will establish the place and manner in which the hearing will be held (*e.g.*, in person, fully remote, or hybrid) by separate order.”

3. On September 6, 2024, the ALJ issued Decision No. R24-0638-I that vacated and reset the hearing from September 18, 2024 to September 25, 2024.

4. On September 24, 2024, Staff filed an Unopposed Motion to Dismiss, Vacate Show Cause Hearing, and Waive Response Time (“Unopposed Motion”). Staff states that NTT America, Inc. and DSCI, LLC filed the required filled-out copy of the DR 0525 after the filing of the Request. Further, Staff has determined that the remaining providers identified in the Request (EcoVate, Inc. d/b/a ReadyTalk, Euro Connect, Inc., Futurum Communications Corporation d/b/a Forethought, and Norstar Telecommunications LLC) are no longer active in Colorado or in existence. As a result, “Staff does not intend to further pursue compliance from these entities” and requests that the Request be dismissed and the proceeding closed.

B. Analysis

5. Staff has stated good cause to grant the Unopposed Motion. Accordingly, the Unopposed Motion shall be granted, the hearing vacated, and the proceeding dismissed.

6. Pursuant to § 40-6-109, C.R.S., the ALJ hereby transmits to the Commission the record of this proceeding and this recommended decision.

II. ORDER

A. The Commission Orders That:

1. The Unopposed Motion to Dismiss, Vacate Show Cause Hearing, and Waive Response Time filed by Trial Staff of the Commission on September 24, 2024 is granted.

2. The hearing scheduled for September 25, 2024 at 9:00 a.m. is vacated

3. Proceeding No. 24C-0346T is closed.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

Rebecca E. White,
Director