

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0038T

IN THE MATTER OF THE APPLICATION FILED BY EXTENET LVS, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) TO PROVIDE PART IV SERVICES (4 CCR 723-2-2103).

**COMMISSION DECISION GRANTING
APPLICATION WITH CONDITIONS**

Issued Date: February 20, 2025

Adopted Date: February 19, 2025

I. BY THE COMMISSION

A. Statement

1. By this Decision, we grant the Application filed by ExteNet LVS, LLC (“ExteNet”) to obtain a Certificate of Public Convenience and Necessity (“CPCN”) to provide local services pursuant to 4 *Code of Colorado Regulations* (“CCR”) 723-25-4, Commission’s Rules Regulating Telecommunications Service and Providers of Telecommunications Service.

B. Background

2. On January 10, 2025, ExteNet filed an application requesting a CPCN to provide Part IV services. ExteNet will provide point-to-point telecommunications services, such as Ethernet and other high-bandwidth service, for high-speed data transport throughout Colorado. ExteNet will not provide voice services.

3. On January 10, 2025, notice of the application was provided to all persons, firms, or corporations, interested in, or affected by the grant or denial of the request. Interventions were due on or before February 10, 2025. No interventions were received in this proceeding.

4. On January 24, 2025, ExteNet submitted a supplement to their application, a notarized attestation.

5. On February 4, 2025, ExteNet filed a supplement to its Application, a statement of willingness to provide financial assurance in the form of a bond or a letter of credit as a condition of obtaining its CPCN.

C. Discussion

6. No one has filed an intervention opposing the application. We, therefore, find that the Application is unopposed and considered without a formal hearing pursuant to § 406109(5), C.R.S.

7. The Commission modified its Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 CCR 723-2 (Proceeding No. 16R-0453T, effective September 1, 2017). The modified rules allow, but do not require, providers offering Part IV services under § 40-15-401, C.R.S., to apply to the Commission to obtain a CPCN.

8. Due to the financial information provided by ExteNet, we conclude that financial assurance in the amount of \$9,520 for the issuance of a CPCN is necessary and appropriate in the form of either a bond or a letter of credit and shall be required to be posted with the Commission under the terms and conditions specified in the Attachments to this Decision. The issuance of a bond or letter of credit is consistent with previously issued Commission decisions granting CPCNs when financial fitness is an issue. Section 40-15-503.5, C.R.S., and Commission Rule 2111 allow the Commission to impose a bond or other security as a condition of obtaining an operating authority.

II. ORDER

A. The Commission Orders That:

1. The Application, filed on January 10, 2025, by ExteNet LVW, LCC is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. ExteNet is not required to create and provide tariffs to the Commission.

3. ExteNet shall not unjustly discriminate among customers in the same class of service, per Commission Rule 4 *Code of Colorado Regulations* 723-2-2103.

4. Before commencing operations under this CPCN to provide Part IV services, ExteNet shall file with the Commission, financial assurance in the form of a bond or letter of credit consistent with the terms and conditions as described in the Attachments to this Decision.

5. If ExteNet fails to file financial assurance within one year from the Issued Date of this Decision, this CPCN to provide Part IV services shall be deemed null and void without further action of the Commission. For good cause shown, and if a proper request is filed within one year of the Issued Date of this Decision, the Commission may grant additional time within which to file financial assurance.

6. Consistent with terms and conditions established in previous Commission decisions, ExteNet will be required to contribute, as prescribed by statute, rule, or order of the Commission, based on the entirety of its intrastate services regardless of the technology, to the Public Utilities Commission's Telecommunications Utilities Fund, the Colorado High-Cost Support Mechanism, the Colorado Telephone Users Disabilities Fund, the Statewide 9-1-1 Surcharge Trust Cash Fund, the Statewide 9-8-8 Surcharge, and other financial support mechanisms that may be created in the future by the Commission to implement §§ 4015-502(4) and (5), C.R.S.

7. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration begins on the first day following the effective date of this Decision.

8. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 19, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners