

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03C-414T

IN THE MATTER OF AN INVESTIGATION OF EMERGING COMPETITIVE TELECOMMUNICATIONS SERVICE PROVIDERS CONCERNING ALLEGED VIOLATIONS OF COLORADO REVISED STATUTES AND COMMISSION RULES OF PRACTICE AND PROCEDURE RELATING TO THE FILING OF ANNUAL REPORTS BY PUBLIC UTILITIES.

ORDER GRANTING EXCEPTIONS

Mailed Date: January 16, 2004

Adopted Date: January 7, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of exceptions filed by CenturyTel Communications, Inc. (CTI), to Recommended Decision No. R03-1342 (Recommended Decision). In that Recommended Decision, the Administrative Law Judge (ALJ) recommended that CTI's (along with other jurisdictional emerging competitive telecommunications service providers and competitive local exchange service providers listed in Attachment A to the Recommended Decision) registration be revoked for violating Colorado statutes and Commission rules regarding the filing of annual reports. CTI requests that it be allowed to make an appropriate annual report filing in compliance with Commission rules to avoid termination of its authority. Now, being duly advised in the matter, we grant CTI's exceptions.

2. Providers of jurisdictional emerging competitive telecommunications services are required, pursuant to § 40-3-110, C.R.S., and 4 *Code of Colorado Regulations* (CCR) 723-1-

25(a)(1), to file an annual report with the Commission on or before April 30 of each year, for the preceding calendar year. The annual reports for calendar year 2002 were due April 30, 2003.

3. Likewise, providers of competitive local exchange services are required, pursuant to § 40-3-110, C.R.S., and 4 CCR 723-1-25(a)(1), to file an annual report with the Commission on or before April 30 of each year, for the preceding calendar year. The annual reports for calendar year 2002 were due April 30, 2002.

4. The ALJ found, that as of November 25, 2003, the date of the hearing on this matter, no annual report for calendar year 2002 was filed by any of the respondents listed in Attachment A, including CTI. As a result, the ALJ additionally found that the Commission-issued authorities under which CTI (as well as the other respondents listed in Attachment A) operate in Colorado should be revoked. Further, the ALJ ordered that CTI and the other respondents should be ordered to cease and desist from providing competitive local exchange services and should be disconnected from the public switched network. The ALJ found this remedy appropriate because the subject annual reports were seven months overdue, and CTI and the other respondents failed to make the required filing despite five separate Commission notices.

5. CTI requests permission to file a late-filed “terminating” annual report for 2002. According to CTI, because it has discontinued its Part 3 operator services which were utilized by the CTI operating companies in Colorado some time ago, and because it provides no services in Colorado and has no customers, it is merely a non-operational shell company under the parent company umbrella. Because of CTI’s non-operational status, it represents that responsible

company personnel overlooked CTI's obligation to file a 2002 annual report with the Commission.

6. CTI states that it seeks permission to make a late-filed terminating annual report, together with an appropriate filing requesting termination of its Part 3 registration, rather than being subject to revocation under the Recommended Decision and subject to disconnection from the public switched network.

7. We find that CTI states good cause to grant its exceptions to the Recommended Decision.

II. ORDER

A. The Commission Orders That:

1. The exceptions filed by CenturyTel Telecommunications, Inc., to Recommended Decision No. R03-1342 are granted consistent with the discussion above.

2. CenturyTel Telecommunications, Inc., is permitted to make a late-filed terminating annual report for 2002.

3. CenturyTel Telecommunications, Inc.'s authority will not be revoked nor will it be disconnected from the public switched network, contingent on its filing a 2002 annual report.

4. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Mailed Date of this Order.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 7, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners