

Decision No. C10-0636-E

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 10R-191T

IN THE MATTER OF PROPOSED RULES RELATING TO THE COLORADO HIGH COST
SUPPORT MECHANISM REGULATIONS 723-2.

ERRATA NOTICE

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

Errata Notice mailed July 13, 2010
Original Decision No. C10-0636 mailed June 22, 2010

Correct Decision No. C10-0636 by replacing “July 10” with “July 25” in the Order,

¶ II.A.2, so that paragraph reads as follows:

2. This Supplemental Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the July 25, 2010, edition of *The Colorado Register*.

(SEAL)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean, Director
Dated at Denver, Colorado this
13th day of July, 2010.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 10R-191T

IN THE MATTER OF PROPOSED RULES RELATING TO THE COLORADO HIGH COST SUPPORT MECHANISM REGULATIONS 723-2.

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

Mailed Date: June 22, 2010

Adopted Date: June 2, 2010

I. BY THE COMMISSION

A. Statement

1. The Commission hereby issues this Supplemental Notice of Proposed Rulemaking (Supplemental NOPR) regarding its Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations (CCR) 723-2*, in regards to the process used to implement and the provisions of the Colorado High Cost Support Mechanism (HCSM). The Commission issued the original Notice of Proposed Rulemaking on April 14, 2010 as Decision No. C10-0325. A copy of the proposed rules was attached to Decision No. C10-0325.

2. The need for this Supplemental NOPR arose from two filings by the Colorado Office of Consumer Counsel (OCC) and joined by several other interested entities.¹ On May 11, 2010, the OCC filed a Joint Motion to Modify the Procedural Schedule, and on May 25, 2010, the OCC filed a supplement to that motion. The OCC explains that the joint movants believe

¹ These entities are the Colorado Telecommunications Association; N.E. Colorado Cellular, Inc. dba Vaiero; Comcast Phone of Colorado, LLC; Qwest Communications Company LLC; Verizon and AT&T Communications of the Mountain States, Inc.

that additional time should be allotted for their presentation of issues in this matter. The Commission agrees and will set additional hearing dates and will reset the requested submission dates for opening and reply comments.

3. Because our original June 28 and 29, 2010 hearing dates have already appeared in *The Colorado Register*, it is not possible at this late date to vacate the original hearing dates. Thus, we will conduct a brief hearing on June 28, 2010 for the purpose of announcing the additional hearing dates set forth below; we do not intend to receive any substantive comments on June 28, 2010 and will only receive comments if a person showing up would be unduly inconvenienced in the event we were to require a reappearance on the additional hearing dates. Thus, it is our preference that the joint movants and others not appear before the Commission on June 28, 2010.

4. The basis and purpose of the rules proposed in this matter is to re-examine the high cost support rules to accommodate new regulatory schemes², changes in the federal Universal Service Fund (USF) program, and recent dockets that have directly implicated the HCSM rules.

5. The Commission will review and propose changes to the following rules contained in the Commission's Rules Regulating Telecommunications Providers, Services, and Products, 4 CCR 723-2: Rules 2840 – 2869 (High Cost Support Mechanism And The Colorado High Cost Administration Fund), 2187 (Eligible Telecommunications Carrier Designation), and 2188 (Relinquishment of EP or ETC Designation). The proposed amendments are more fully described in Decision No. C10-0325 and the attachment thereto.

² See Consolidated Docket Nos. 04A-411T and Docket No. 04D-440T, Decision No. C05-0802, paragraph 173 (4), effective June 28, 2005.

6. The statutory authority for the proposed rules is found in §§ 40-2-108; 40-3-101; 40-3-102; 40-3-103; 40-3-110; 40-3.4-106; 40-4-101; 40-15-101; 40-15-108(2); 40-15-201; 40-15-203.5; 40-15-208(2)(a); 40-15-301; 40-15-302; 40-15-305; 40-15-404; 40-15-502; 40-15-503; C.R.S.

7. Interested persons may submit written comments, in hard copy or through the Commission's e-filing system, on the proposed rules, including data, views, or arguments. Opening comments should be filed no later than August 2, 2010. Reply comments should be filed by September 10, 2010. The Commission will scan and post paper submissions to its e-filing system.

8. In submitting comments or replies, interested persons are invited to suggest changes that will make the subject rules more efficient, rational, or meaningful. We recognize that regulation imposes costs; therefore, suggestions concerning rules that may be unnecessary or unduly burdensome will be fully considered by the Commission.

II. ORDER

A. The Commission Orders That:

1. The May 11, 2010 Joint Motion, as supplemented on May 25, 2010, to modify procedural schedule filed by the Colorado Office of Consumer Counsel is granted consistent with the above discussion.

2. This Supplemental Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the July 10, 2010, edition of *The Colorado Register*.

3. A Hearing on the proposed rules and related matters shall be held before the Commission, en banc, as follows:

DATE: September 27 and 28, 2010
 TIME: 9:00 a.m.
 PLACE: Commission Hearing Room A
 Suite 250
 1560 Broadway
 Denver, Colorado

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Commission deems oral comments unnecessary. Interested persons may file written comments in this matter before the hearing. Written opening comments should be filed no later than August 2, 2010. Interested persons may submit written comments, in hard copy or through the Commission’s e-filing system. Reply comments should be filed by September 10, 2010.

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
 June 2, 2010.**

(SEAL)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
 Director

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

RONALD J. BINZ

JAMES K. TARPEY

MATT BAKER

Commissioners