

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF EMERGENCY RULES)	
ESTABLISHING PROCEDURES RELATING TO)	
EXPEDITED FILING OF TARIFFS FOR)	
TELECOMMUNI-CATIONS SERVICES TO BE)	DOCKET NO. 96R-235T
PROVIDED IN THE EMERGING)	
COMPETITIVE LOCAL EXCHANGE MARKET)	
WITHIN COLORADO.)	
)	

**COMMISSION DECISION
ADOPTING EMERGENCY RULES**

Mailed Date: May 21, 1996
Adopted Date: May 20, 1996

I. BY THE COMMISSION:

A. This matter comes before the Commission for adoption of emergency rules establishing procedures for the expedited filing of tariffs for telecommunications services to be provided in the emergingly competitive local exchange market. These rules are adopted pursuant to the provisions of House Bill 96-1010 ("HB 96-1010") enacted in the 1996 legislative session.¹ HB 96-1010 became effective on May 15, 1996, and mandates that competition in the local exchange market be implemented by July 1, 1996.

B. More importantly, for purposes of the present proceeding, HB 96-1010 directs that the Commission require telecommunications service providers that will provide unbundled facilities or functions, interconnection, services for resale, or local number portability to file tariffs containing temporary interim rates, terms, and conditions for the sale of such products.² The

¹ HB 96-1010 is to be codified at 40-15-503(2)(g) and (h), C.R.S.

² Section 40-15-503(2)(g)(I).

Commission is directed to conduct expedited proceedings on proposed interim tariffs for unbundled facilities or functions, interconnection, services for resale, or local number portability. Based upon that expedited review, we are directed to approve or modify the filed tariffs on an interim basis. Notably, HB 96-1010 directs that the Commission conclude its review of filed interim tariffs and issue decisions in an expedited manner such that the tariffs, as approved or modified by the Commission, shall become effective on or before July 1, 1996.³

C. For the reasons set forth in this decision, we now adopt on an emergency basis (*i.e.* without compliance with the rulemaking requirements for permanent rules set forth 24-4-103, C.R.S.) the rules appended to this order as Attachment A. We take this action pursuant to the provisions of 24-4-103(6), C.R.S. and HB 96-1010. Specifically, we note that in order to accomplish the legislative directives set forth in HB 96-1010, including its mandate that interim tariffs become effective by July 1, 1996, we are compelled to adopt the emergency rules attached to this decision. Section 40-15-503(2)(h) of HB 96-1010 mandates:

The Commission shall require by rule that any telecommunications service provider required to file temporary interim tariffs pursuant to paragraph (g) of this subsection (2). . . shall file advice letters with the Commission to place into effect temporary interim tariffs and commission tariffs for unbundled facilities or functions, interconnection, services for resale, or local number portability by such dates certain as the Commission may determine by rule.

Given the procedural requirements for permanent rulemaking before the Commission (*e.g.* those set forth in 24-4-103 and 40-6-114), the directives contained in HB 96-1010, including its command that interim tariffs be

³ Section 40-15-503(2)(g)(I).

implemented by July 1, 1996, can be effectuated by emergency rulemaking only.

D. Generally, the purposes of the rules adopted by this order are: (1) to establish the dates by which telecommunications service providers shall be required to file proposed interim and permanent tariffs for the provision of unbundled facilities or functions, interconnection, services for resale, or local number portability; and (2) to establish the procedures by which interested parties may review and submit comment to the Commission upon the interim proposals of telecommunications service providers. The emergency rules attached to this decision set forth provisions relating to these purposes.

E. We will adopt the attached rules as emergency rules, in accordance with the provisions of 24-4-103(6), C.R.S. For the reasons stated above, we find that immediate adoption of the rules attached to this decision is imperatively necessary to comply with state law, and compliance with the rulemaking requirements associated with permanent rules, as set forth in 24-4-103, C.R.S., would be contrary to the public interest. The statutory authority for adoption of these rules is set forth in 40-2-108, and 40-3-102, and HB 96-1010.

F. The rules attached to this order shall be effective immediately upon the mailed date of this decision. Such rules shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

II. ORDER

A. **The Commission Orders That**

1. The rules appended to this decision as Attachment A are hereby adopted as emergency rules consistent with the above discussion.

2. The Commission hereby assigns Docket No. 96S-233T to the anticipated Advice Letter filing of U S West Communications, Inc.

3. This Order is effective upon its Mailed Date.

B. ADOPTED IN OPEN MEETING May 20, 1996.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners