

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21R-0364T

IN THE MATTER OF TEMPORARY RULES REGARDING THE PROCESS TO IMPLEMENT HOUSE BILL 20-1293 TO SET THE 2022 9-1-1 EMERGENCY TELEPHONE CHARGE THRESHOLD, 9-1-1 SURCHARGE, AND PREPAID WIRELESS 9-1-1 CHARGE, AND FORMULAS FOR DISTRIBUTION OF THE 9-1-1 SURCHARGE AND PREPAID WIRELESS 9-1-1 SURCHARGE.

DECISION ADOPTING TEMPORARY RULES

Mailed Date: July 29, 2021

Adopted Date: July 21, 2021

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission adopts temporary rules to comply with the additions of or amendments to §§ 24-33.5-2103, 25-3.5-903, 29-11-100 to -107, 39-21-113 and 119.5, and 40-2-131, C.R.S., pursuant to House Bill (HB) 20-1293. Among its requirements, §§ 29-11-100.2 through 102.5, C.R.S., include that the Commission, by October 1, 2020, and each October 1 thereafter, must establish: (1) the authorized threshold amount above which applications are required to increase the local Emergency Telephone Charge; (2) a statewide 9-1-1 surcharge; (3) a prepaid wireless 9-1-1 surcharge; and (4) formulas for the distribution of money from the statewide 9-1-1 surcharge and the wireless prepaid 9-1-1 charge. In order to comply with these statutory requirements by October 1, 2021, thereby protecting the public health, welfare, and safety by continuing required 9-1-1 service provision statewide, we find it imperatively necessary to adopt temporary rules.

2. These temporary rules set forth processes and procedures to allow the Commission to establish the items listed above, on or before October 1, 2021.¹ These temporary rules are effective for the earlier of 210 days from the effective date of this Decision, or until the Commission issues permanent rules to implement HB 20-1293. *See* § 40-2-108(2), C.R.S. For the reasons set forth in this Decision, we have the authority to adopt temporary rules under § 24-4-103(6), C.R.S.

3. The Commission is currently addressing permanent rules to implement HB 20-1293, including permanent rules for the Commission's determination of charges and formulas each year by October 1, through the rulemaking in Proceeding No. 21R-0099T opened March 3, 2021. However, permanent rules are not expected to be effective in time for the Commission to use permanent rules to establish the required charges and formulas by October 1, 2021.²

4. The Commission previously issued temporary rules to allow it to meet the statutory deadline of October 1, 2020. However, those rules have now expired, thus necessitating the need for a second set of temporary rules until the permanent rulemaking is complete.³

¹ Subsequent to the issuance of these temporary rules, the Commission will open a proceeding to establish the required threshold, the 9-1-1 surcharge rate, the prepaid wireless 9-1-1 surcharge rate, and the distribution formulas, consistent with the temporary rule processes adopted.

² See Proceeding No. 21R-0099T. While the permanent proposed rules are nearly complete, including a majority of provisions that were proposed through consensus stakeholder processes, Boulder Regional Emergency Telephone Service Authority (BRETSA) filed exceptions to the Recommended Decision No. R21-0297, issued May 20, 2021. The Commission addressed the exceptions through a separate order in Proceeding No. 21R-0099T. However, given the processes required in § 40-6-109, C.R.S. in conjunction with rulemaking processes in Title 24, the permanent rules are not yet final. BRETSA does not challenge the proposed rule processes to establish required findings by October 1, and no other participant filed exceptions.

³ *See* Decision No. C20-0599, Proceeding 20R-0335T issued August 17, 2020.

B. Background

5. On July 10, 2020, the Governor signed HB 20-1293, which requires the Commission to annually establish the authorized threshold amount above which applications are required to increase the local Emergency Telephone Charge, a statewide 9-1-1 surcharge, a prepaid wireless 9-1-1 charge, and formulas for distribution of money from the statewide 9-1-1 surcharge and prepaid wireless 9-1-1 charge to the governing bodies. HB 20-1293 also allows the Commission to promulgate rules to resolve disputes regarding the collection, payment, remittance, and audit of the Emergency Telephone Charge and the statewide 9-1-1 surcharge, and to impose penalties for noncompliance with certain statutory provisions and Commission rules. HB 20-1293 adds §§ 29-11-100.2, 29-11-101.5, 29-11-102.3, 29-11-107, 39-21-113, C.R.S., repeals §§ 29-11-100.5, 29-11-106, C.R.S., repeals and reenacts, with amendments, §§ 29-11-101, 29-11-102, 29-11-103, C.R.S., and amends §§ 24-33.5-2103, 25-3.5-903, 29-11-102.5 through 102.7, 29-11-104 through 105, 39-21-119.5, and 40-2-131, C.R.S. The statutory changes took effect immediately upon enactment but impose requirements by various dates.

6. A summary of the statutory changes to be implemented through the temporary rules adopted by this Decision are as follows:

- a) Governing bodies may pay for costs for the operation of emergency telephone service as described in § 29-11-104, C.R.S., by imposing an Emergency Telephone Charge on service users. Governing bodies must annually establish the amount of the Emergency Telephone Charge per month per 9-1-1 access connection, and if the amount is greater than the authorized threshold amount, the governing body must obtain prior Commission approval. Currently and through December 31, 2021, the authorized threshold amount is \$1.72 per month per 9-1-1 access connection.⁴ HB 20-1293 requires the Commission to establish the authorized threshold amount on or before October 1 of each year to be effective January 1 of the

⁴ See Decision No. C20-0690, Proceeding 20M-0337T issued September 29, 2020.

following year. The Commission must take into account inflation and the needs of the governing bodies in setting the authorized threshold amount. § 29-11-102, C.R.S.

- b) HB 20-1293 imposes a statewide 9-1-1 surcharge on service users in an amount to be established by the Commission on or before October 1 of each year to be effective January 1 of the following year. Currently and through December 31, 2021, the surcharge is set at \$0.10 per month per 9-1-1 access connection. The surcharge amount may not exceed \$0.50 per month per 9-1-1 access connection, and the amount must be reasonably calculated to meet the needs of the governing bodies to operate the 9-1-1 system. § 29-11-102.3, C.R.S.
- c) The Commission must establish a formula for distribution of money collected from the statewide 9-1-1 surcharge to the governing bodies by October 1 of each year to take effect on the following January 1. The formula must be based on the number of concurrent sessions maintained by the public safety answering points (PSAPs) of each governing body. § 29-11-102.3(3)(c)(III), C.R.S.
- d) Currently and through December 31, 2021, buyers in prepaid wireless telecommunications services retail transactions are assessed a \$1.38 per transaction wireless prepaid 9-1-1 charge. HB 20-1293 requires the Commission to establish the charge on or before October 1 of each year to be effective January 1 of the following year. The prepaid wireless 9-1-1 charge is to be calculated by adding the average of the local Emergency Telephone Charge amounts as of July 1 of that year and the amount of the statewide 9-1-1 surcharge amount established by the Commission for the following year. § 29-11-102.5, C.R.S.
- e) The Commission must establish a formula for the distribution of money collected from the prepaid wireless 9-1-1 charge to the governing bodies by October 1 of each year to take effect the following January 1. The formula must be based on the number of wireless 9-1-1 calls received by the PSAPs of each governing body. § 29-11-102.5(3)(e)(III), C.R.S.

C. Findings and Conclusions

7. The Commission, through the promulgation of rules, develops and implements processes and procedures to establish by October 1, 2021, the emergency telephone charge threshold, 9-1-1 surcharge rate, prepaid wireless 9-1-1 charge rate, and distribution formulas required by HB 20-1293. The processes and procedures set by this Decision are limited to those items that must be established by October 1, 2021. We recognize that statutory changes require

further Commission action and additional rules, and these are being addressed through a concurrent permanent rulemaking.

8. The Commission may adopt a temporary rule without engaging in the processes required by the Administrative Procedure Act for a permanent rule “only if the agency finds that immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of [the section to complete a permanent rulemaking] would be contrary to the public interest and makes such a finding on the record.” § 24-4-103(6), C.R.S. For the reasons stated below, we find that immediate adoption of these temporary rules is imperatively necessary to comply with state law and to provide for the health, safety, and welfare of the public.

9. Section 29-11-100.2, C.R.S., states that “dialing 911 is the most effective and familiar way the public has of seeking emergency assistance,” that “[b]asic emergency service... is fundamentally a government concern and the exercise of police powers for the protection and betterment of the health, safety, security, and welfare of the public,” and that HB 20-1293 “is intended to provide funding mechanisms for the continued technological advancement of emergency telephone service for all users of the system.” In § 19 of HB 20-1293, the general assembly found that the act is “necessary for the immediate preservation of the public peace, health, or safety.”

10. The portions of HB 20-1293 relating to the Emergency Telephone Charge threshold amount, statewide 9-1-1 surcharge, prepaid wireless 9-1-1 charge, and distribution formulas require Commission action by October 1 of each year so that these items may be in effect by January 1 of the following year. Additionally, the telecommunications service providers and retailers responsible for collecting and remitting the emergency telephone charge,

9-1-1 surcharge, and prepaid wireless 9-1-1 charge require time to make modifications to their internal systems to comply with the changes in these rates. Awaiting completion of the permanent rulemaking already underway under Title 24 would delay the process beyond the October 1, 2021 deadlines, and would prevent timely implementation of any necessary changes to the funding mechanisms intended to support basic emergency services and the health, safety, security, and welfare of the public.

11. Through HB 20-1293, the General Assembly established the mechanisms by which appropriate and necessary funds needed to support the emergency telephone service may be generated. Adoption of temporary rules would allow the Commission to meet the deadlines imposed by the statute and will timely address the need for additional funds to support the emergency telephone service for the benefit of all users of the system.

12. We find that these matters require our immediate and continuing attention to comply with state law and to protect the health, safety, and welfare of the public, which uses the emergency telephone system “as the most effective and familiar way... of seeking emergency assistance.” We also find that the time that will transpire before completing a permanent rulemaking on these issues would prevent fulfillment of HB 20-1293’s October 1 deadlines and would risk the health, safety, and welfare of the public which depends on an adequately-funded emergency telephone system. Thus, we immediately adopt temporary rules addressing the establishment of certain funding mechanisms that are imperatively necessary to timely comply with state law and to preserve public health, safety, and welfare.

13. By this Decision, we adopt temporary rules that accomplish the following:
- a) set forth the processes and procedures by which the Commission will establish the authorized threshold amount;

- b) set forth the processes and procedures by which the Commission will establish the statewide 9-1-1 surcharge amount;
- c) set forth the processes and procedures by which the Commission will establish the prepaid wireless 9-1-1 charge; and
- d) set forth the processes and procedures by which the Commission will establish the formulas for distribution of money from the statewide 9-1-1 surcharge and the prepaid wireless 9-1-1 charge to the governing bodies.

14. The temporary rules shall be effective on the mailed date of this Decision and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

15. The temporary rules in legislative (strikeout and underline) format, Attachment A, and the temporary rules in final version format, Attachment B, and a copy of HB 20-1293 are available through the Commission's E-Filing system⁵ at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=21R-0364T

II. **ORDER**

A. **The Commission Orders That:**

1. The rules in final version format available in this proceeding through the Commission's E-Filings system are hereby adopted as temporary rules consistent with the above discussion.

2. The temporary rules shall be effective on the mailed date of this Decision.

⁵ From the Electronic Filings (E-Filings) system page (<https://www.dora.state.co.us/pls/efi/EFI.homepage>), the rules can also be accessed by selecting "Search" and entering this proceeding number, 21R-0364T, in the "Proceeding Number" box and then selecting "Search."

3. The 20-day period provided in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 21, 2021.**

(S E A L)



ATTES2T: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND

PROVIDERS OF TELECOMMUNICATIONS SERVICES

* * * *

[indicates omission of unaffected rules]

Basic Emergency Service

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to: (1) define and describe basic emergency service as regulated by § 40-15-201, C.R.S.; (2) prescribe multi-line telephone system (MLTS) operator requirements regarding disclosure to end users of the proper method for accessing 9-1-1 service, and regarding the capability of the MLTS to transmit end users' telephone numbers and location information; (3) prescribe the interconnection environment and relationships between basic emergency service providers (BESPs) and originating service providers and other BESPs; (4) permit use of 9-1-1 databases for outbound wide area notifications in times of emergency; (5) prescribe reporting times of 9-1-1 outages and interruptions; ~~and~~ (6) explicitly recognize the potential for multiple BESPs in Colorado; and (7) prescribe the process for the establishment of the annual threshold, surcharge, and prepaid wireless 9-1-1 charge amounts.

The statutory authority for the promulgation of these rules is found at §§ 29-11-101.5; 29-11-102(2)(b); 29-11-102.3; 29-11-102.5(2)(c); 29-11-102.7(2); 29-11-103; 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(g), -C.R.S.

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[indicates omission of unaffected rules]

2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.
- (b) "9-1-1 access connection" means any communications service including wireline, wireless cellular, interconnected voice-over-internet-protocol, or satellite in which connections are enabled,

configured, or capable of making 9-1-1 calls. The term does not include facilities-based broadband services. The number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.

- (c) "9-1-1 call" means a request for emergency assistance from the public by dialing 9-1-1 or addressing the ESInet regardless of the technology used, and may include voice, text, images, and video, whether originated by wireline, wireless, satellite, or other means.
- (db) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent and subsequently connects to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (ee) "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 failures also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (fd) "9-1-1 selective router" means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.
- (ge) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.
- (h) "9-1-1 surcharge" or "state 9-1-1 surcharge" means the surcharge established pursuant to § 29-11-102.3, C.R.S.
- (if) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and location of the caller. ALI data includes non-listed and non-published numbers and addresses, and other information about the caller's location.
- (ig) "ALI provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.
- (kh) "ALI service" means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP or a specific geographic area. ALI service does not include the provision of ALI by originating service providers, PSAPs, 9-1-1 governing bodies, or local governments.
- (li) "Automatic Number Identification" (ANI) means the automatic display of the caller's telephone number at the PSAP.

(jm) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Basic emergency service does not include:

- (I) the portion of a 9-1-1 call provided by an originating service provider;
- (II) the services provided by an intermediary aggregation service provider;
- (III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;
- (IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or
- (V) the delivery of text-to-9-1-1 via interim methods.

(kn) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service.

(o) "Concurrent session" means a channel for an inbound simultaneous 9-1-1 call.

(pl) "Demarcation point" means the physical point where the responsibility of a portion of a network changes from one party to another.

(mq) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:

- (I) the 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;
- (II) a call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and
- (III) a recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).
- (IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.

(ra) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S.

- (~~se~~) "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes the association of ANI and ALI (including non-listed and non-published numbers and addresses), and selective routing.
- (~~tp~~) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (~~uq~~) "Governing body" means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area, pursuant to §§ 29-11-102, 103, and 104, C.R.S.
- (~~yf~~) "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.
- (~~ws~~) "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
- (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
 - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (~~xt~~) "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- (~~yh~~) "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.
- (~~zv~~) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.
- (~~aaw~~) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the ten-digit telephone number of the fixed location subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order.

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[indicates omission of unaffected rules]

2148. Process for the Establishment of Annual Emergency Telephone Charge Threshold, State 9-1-1 Surcharge Rate, Wireless Prepaid 9-1-1 Surcharge Rate, and Associated Fund Distribution Schedules.

- (a) On or before August 1 of each year, the Commission shall initiate a proceeding to be concluded on or before October 1 to establish the emergency telephone charge threshold, a statewide 9-1-1 surcharge, a wireless prepaid 9-1-1 charge, a distribution schedule for the funds raised by the state 9-1-1 surcharge, and a distribution schedule for the funds raised by the wireless prepaid 9-1-1 charge for the following calendar year.
- (I) The emergency telephone charge threshold:
- (A) shall take into account inflation through the consideration of historical data and future projections; and
- (B) shall take into account the needs of governing bodies through the consideration of historical data, inflation rates, the rate of increase of the average emergency telephone charge, comments provided under this rule, and other factors the Commission deems relevant.
- (II) The 9-1-1 surcharge:
- (A) shall not exceed fifty cents per month per 9-1-1 access connection;
- (B) shall be calculated to meet the needs of governing bodies to operate the 9-1-1 system by considering historical data, costs to the 9-1-1 governing bodies of basic emergency service tariffs, comments provided under this rule, and other factors the Commission deems relevant; and
- (C) shall be uniform, regardless of the technology used to provide the 9-1-1 access connection.
- (III) The wireless prepaid 9-1-1 charge shall be calculated by determining the average of all local emergency telephone charges as they existed on July 1 of that year plus the amount of the statewide 9-1-1 surcharge established by the Commission for the upcoming year.
- (IV) The distribution schedule for the funds raised by the state 9-1-1 surcharge shall be based on the number of concurrent sessions at all of the PSAPs associated with a governing body as a percentage of the total number of concurrent sessions statewide.
- (V) The distribution schedule for the funds raised by the wireless prepaid 9-1-1 charge shall be based on the wireless 9-1-1 call volume at all of the PSAPs associated with a governing body as a percentage of the total number of wireless 9-1-1 calls received by all PSAPs statewide.
- (b) The decision initiating this proceeding shall be accompanied by proposed amounts and distribution schedules as described in (a) (I) through (V) for comment.

- (c) The wireless prepaid 9-1-1 charge rate and wireless prepaid 9-1-1 distribution schedule shall be transmitted to the Colorado Department of Revenue on or before October 1.
- (d) The new rates and distribution schedules established by this proceeding shall take effect on the following January 1.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

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The statutory authority for the promulgation of these rules is found at §§ 29-11-101.5; 29-11-102; 29-11-102.3; 29-11-102.5(2)(c); 29-11-102.7(2); 29-11-103; 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(g), C.R.S.

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[indicates omission of unaffected rules]

2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.
- (b) "9-1-1 access connection" means any communications service including wireline, wireless cellular, interconnected voice-over-internet-protocol, or satellite in which connections are enabled,

configured, or capable of making 9-1-1 calls. The term does not include facilities-based broadband services. The number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.

- (c) "9-1-1 call" means a request for emergency assistance from the public by dialing 9-1-1 or addressing the E9-1-1 regardless of the technology used, and may include voice, text, images, and video, whether originated by wireline, wireless, satellite, or other means.
- (d) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent and subsequently connects to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (e) "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 failures also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (f) "9-1-1 selective router" means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.
- (g) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.
- (h) "9-1-1 surcharge" or "state 9-1-1 surcharge" means the surcharge established pursuant to § 29-11-102.3, C.R.S.
- (i) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and location of the caller. ALI data includes non-listed and non-published numbers and addresses, and other information about the caller's location.
- (j) "ALI provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.
- (k) "ALI service" means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP or a specific geographic area. ALI service does not include the provision of ALI by originating service providers, PSAPs, 9-1-1 governing bodies, or local governments.
- (l) "Automatic Number Identification" (ANI) means the automatic display of the caller's telephone number at the PSAP.

- (m) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Basic emergency service does not include:
- (I) the portion of a 9-1-1 call provided by an originating service provider;
 - (II) the services provided by an intermediary aggregation service provider;
 - (III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;
 - (IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or
 - (V) the delivery of text-to-9-1-1 via interim methods.
- (n) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service.
- (o) "Concurrent session" means a channel for an inbound simultaneous 9-1-1 call.
- (p) "Demarcation point" means the physical point where the responsibility of a portion of a network changes from one party to another.
- (q) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:
- (I) the 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;
 - (II) a call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and
 - (III) a recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).
 - (IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.
- (r) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S.

- (s) "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes the association of ANI and ALI (including non-listed and non-published numbers and addresses), and selective routing.
- (t) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (u) "Governing body" means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area, pursuant to §§ 29-11-102, 103, and 104, C.R.S.
- (v) "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.
- (w) "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
 - (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
 - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (x) "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- (y) "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.
- (z) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.
- (aa) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the ten-digit telephone number of the fixed location subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order.

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[indicates omission of unaffected rules]

2148. Process for the Establishment of Annual Emergency Telephone Charge Threshold, State 9-1-1 Surcharge Rate, Wireless Prepaid 9-1-1 Surcharge Rate, and Associated Fund Distribution Schedules.

- (a) On or before August 1 of each year, the Commission shall initiate a proceeding to be concluded on or before October 1 to establish the emergency telephone charge threshold, a statewide 9-1-1 surcharge, a wireless prepaid 9-1-1 charge, a distribution schedule for the funds raised by the state 9-1-1 surcharge, and a distribution schedule for the funds raised by the wireless prepaid 9-1-1 charge for the following calendar year.
 - (I) The emergency telephone charge threshold:
 - (A) shall take into account inflation through the consideration of historical data and future projections; and
 - (B) shall take into account the needs of governing bodies through the consideration of historical data, inflation rates, the rate of increase of the average emergency telephone charge, comments provided under this rule, and other factors the Commission deems relevant.
 - (II) The 9-1-1 surcharge:
 - (A) shall not exceed fifty cents per month per 9-1-1 access connection;
 - (B) shall be calculated to meet the needs of governing bodies to operate the 9-1-1 system by considering historical data, costs to the 9-1-1 governing bodies of basic emergency service tariffs, comments provided under this rule, and other factors the Commission deems relevant; and
 - (C) shall be uniform, regardless of the technology used to provide the 9-1-1 access connection.
 - (III) The wireless prepaid 9-1-1 charge shall be calculated by determining the average of all local emergency telephone charges as they existed on July 1 of that year plus the amount of the statewide 9-1-1 surcharge established by the Commission for the upcoming year.
 - (IV) The distribution schedule for the funds raised by the state 9-1-1 surcharge shall be based on the number of concurrent sessions at all of the PSAPs associated with a governing body as a percentage of the total number of concurrent sessions statewide.
 - (V) The distribution schedule for the funds raised by the wireless prepaid 9-1-1 charge shall be based on the wireless 9-1-1 call volume at all of the PSAPs associated with a governing body as a percentage of the total number of wireless 9-1-1 calls received by all PSAPs statewide.
- (b) The decision initiating this proceeding shall be accompanied by proposed amounts and distribution schedules as described in (a) (I) through (V) for comment.

- (c) The wireless prepaid 9-1-1 charge rate and wireless prepaid 9-1-1 distribution schedule shall be transmitted to the Colorado Department of Revenue on or before October 1.
- (d) The new rates and distribution schedules established by this proceeding shall take effect on the following January 1.