

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17R-0488T

IN THE MATTER OF PROPOSED AMENDMENTS TO TELECOMMUNICATIONS
RULES 4 CODE OF COLORADO REGULATIONS 723-2-2130 THROUGH 2159 AND
2008(a).

NOTICE OF PROPOSED RULEMAKING

Mailed Date: July 28, 2017
Adopted Date: July 20, 2017

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A. The Commission Orders That:10

B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING July 20, 2017.11

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Telecommunications Providers, Services, and Products contained in 4 *Code of Colorado Regulations* 723-2-2130 through 2159 and 2008(a) (9-1-1 Rules).

2. The changes proposed are reflective of the consensus revision of these rules submitted to the Commission by the 9-1-1 Advisory Task Force (Task Force) in a Petition for Rulemaking, granted by the Commission on July 12, 2017.¹ The proposed rules are included as Attachments A and B to this Decision. We welcome comments from interested participants. To the extent a participant disagrees with the proposed rules, comments should include suggested rule revisions, in legislative format.

3. Consistent with the below discussion, this matter is set for hearing and referred to an Administrative Law Judge (ALJ) for a recommended decision.

B. 9-1-1 Advisory Task Force Petition for Rulemaking

4. On May 24, 2017, the Task Force filed a Petition for the Commission to commence a rulemaking proceeding for the 9-1-1 Rules.² As attachments to that Petition,

¹ Decision No. C17-0561, Proceeding No. 17M-0319T.

² The Petition opened Proceeding No. 17M-0319T.

the Task Force provided a proposed set of consensus-based revisions to the 9-1-1 Rules, which the Task Force developed over the course of several months through the use of multi-stakeholder workshops. A full list of the participants to the workshops was attached as Exhibit C to the Petition. The Task Force stated that the rule revisions update, streamline, and make certain improvements to the 9-1-1 Rulemakings, including redefining existing terminology in a technology-neutral manner.

5. On June 2, 2017, the Commission issued Decision No. C17-0452-I accepting the Petition and requesting public comment, setting a due date for public comment of June 30, 2017. Additionally, the Commission published a press release on June 2, 2017, calling for public comments on the Petition by the due date.

6. Four comments were filed in response to the Petition, specifically from Qwest Corporation, doing business as CenturyLink QC; Comcast Phone of Colorado, LLC; Bresnan Broadband of Colorado, LLC, and Time Warner Cable Information Services (Colorado), LLC, filing jointly; and CTIA – The Wireless Association. All comments filed were supportive of the Commission granting the Petition and commencing the requested rulemaking.

7. The Commission granted the Petition for Rulemaking on July 12, 2017.³

C. Proposed Rule Changes

8. The changes proposed by the Task Force are extensive, but fall into general categories that are described here. This Decision provides an overview of the changes being proposed. We intend for Rule revisions proposed through this NOPR in Attachments A and B to

³ Decision No. C17-0561, Proceeding No. 17M-0319T.

be consistent with Task Force proposals in its Petition for Rulemaking. Minor revisions are included for administrative corrections and consistency.

1. Rule 2008(a): Incorporations by Reference

9. The current version of Rule 2008(a) incorporates by reference a number of standards that the Task Force claim are now outdated. The Task Force also submitted that the rule potentially omits other important standards that may be important for the continued operation of 9-1-1 service as it exists today or may exist in future technological architectures of 9-1-1 networks in Colorado. In addition, this rule is largely redundant with Rule 2146, which is updated consistent with the discussion below. Therefore, we propose deleting the rule, consistent with the Task Force's recommendation.

2. Rule 2130: Applicability

10. Proposed changes to Rule 2130 indicate that the 9-1-1 Rules primarily apply to Basic Emergency Service Providers (BESPs), except where explicitly provided. Rule 2130(b) relates to rule applicability to wireless carriers as a condition of interconnection with a BESP. We propose deleting Rule 2130(b) as being obsolete and unnecessary.

3. Rule 2131: Definitions

11. We propose modifying definitions to become more technology neutral. Consistent with Task Force recommendations, we propose these changes in an effort to make the 9-1-1 Rules more adaptable to future changes in technology. The proposed rules also introduce and define new terms, including "9-1-1 service," "ALI service," and "demarcation point."

4. Rule 2134: Process for Certification of Basic Emergency Service Providers

12. Current rules cite Rules 2134, 2002, and 2103 for requirements of BESP applications. The proposed changes to Rule 2134 are intended to incorporate relevant sections of Rules 2002 and 2103, and adjust them to the specific needs of a BESP application. The resulting rule is proposed to contain all of the requirements of a BESP application. We anticipate that the revisions create efficiencies for applicants that currently must consult multiple sections of the Commission's Rules and incorporate the necessary components into their applications.

5. Rule 2136: Obligations of Basic Emergency Service Providers.

13. We propose the significant changes to Rule 2136 recommended by the Task Force. The changes to this rule are intended to: (1) remove what some participants in prior proceedings perceived as obligations on originating service providers; (2) make the BESP's billing processes to governing bodies more practical and consistent with current processes, while enabling flexibility for potential future billing processes; (3) establish a relationship between the BESP and the Task Force for ensuring proper billing practices to the governing bodies; (4) update the language ensuring transmittal of calls from deaf, hard of hearing, and persons with speech impairments; and (5) better integrate current Rule 2136 with other rules, such as the diversity and contingency planning requirements found in Rules 2143(a) and 2143(d).

6. Rule 2138: Obligations of Basic Local Exchange Carriers

14. With the exception of the obligations regarding payphone providers, the rule is deleted. In the remaining part of the rule, we propose amending the obligations on payphone providers to mirror federal regulations.

7. 2141. Obligations of Multi-line Telephone Systems

15. We propose minor amendments to this Rule to improve consistency in the use of defined terms.

8. 2142. Nondisclosure of Name/Number/Address Information

16. We propose deleting current Rules 2142(a) and 2142(b) as redundant, unnecessary, and potentially a hindrance to Public Safety Answering Points (PSAPs) being able to receive timely caller location information from service providers.

17. Changes to current Rule 2142(c) clarify that Automatic Location Identification (ALI) database information can be used for the creation of emergency notification databases. In addition, we propose revisions that remove examples the Task Force proposes were unnecessary and do not add clarity to the rule. We also propose modifications to current Rule 2142(c) to more accurately memorialize practices regarding the provision of ALI database extracts to PSAPs.

18. We also revise current Rule 2142(d) regarding rates paid by a BESP to change a customer's telephone number because of improper disclosure of personal information. Consistent with Task Force recommendations, the rule changes recognize that not all applicable rates for changing a customer's phone number will be tariffed.

9. Rule 2143: Diverse Routing and Priority Service Restoration

19. Proposed Rule 2143(a) establishes a collaborative process for the BESP and the 9-1-1 governing body representatives of the state to develop a statewide 9-1-1 network diversity plan for Commission approval. The rule proposes that any state-wide diversity plan presented through this process include specific milestones and cost estimates. Provisions are included to ensure ongoing reporting to the Commission on progress toward achieving the milestones set forth in any Commission-approved diversity plan. In addition, the rule is revised to further

enable that the diversity planning process balances the needs of the citizens of Colorado for a diverse and resilient basic emergency service network, with the ability of 9-1-1 governing bodies to pay for necessary diversity and resilience.

20. Proposed Rule 2143(d) establishes an ongoing process for ensuring proper contingency planning documentation is taking place. These revisions are intended to allow for continued operations, where possible, during disruptions to the basic emergency service network.

21. Proposed Rule 2143(i) requires the BESP to provide call-back numbers for 9-1-1 callers that attempted to call 9-1-1 but were unable to complete the call due to a disruption of the basic emergency service network, to the extent that such information is available to the BESP.

22. We encourage participant comment on the diversity planning process and how Commission rules can continue to ensure a safe, reliable, and cost-effective statewide 9-1-1 network.

10. Rule 2144: Reports

23. Changes to Rule 2144(a) remove reporting obligations from BESP, but maintains the reporting requirements on BESP. Current Rules 2144(b) and (c) are deleted as unnecessary and redundant.

11. Rule 2145: 9-1-1 Advisory Task Force

24. Changes to Rule 2145 update the role and responsibilities of the 9-1-1 Advisory Task Force. The proposed revisions direct the Task Force toward analysis of new and emerging technologies that may affect the provision of 9-1-1 service in Colorado, while at the same time continuing to monitor and make recommendations to the Commission regarding the cost and pricing of 9-1-1 services.

12. Rule 2146: National Emergency Number Association Data Standards

25. Consistent with Task Force recommendations, changes to this Rule are intended to: (1) provide the Commission with more flexibility in which related technical standards should be considered in the application of its 9-1-1 Rules; (2) avoid enshrining technical standards that are likely to become outdated in the next few years as the 9-1-1 technology available for the provision of 9-1-1 service continues to evolve; and (3) task the Commission's Task Force with producing and continually updating a list of recommended standards that the Commission may consider when applying the 9-1-1 Rules.

13. Rule 2147: Applications by the Governing Body for Approval of a 9-1-1 Charge in Excess of Seventy Cents per Month.

26. We propose changes to Rule 2147 to remove contradictory or duplicative requirements that exist between current Rules 2147 and 2002. In addition, the proposed amendments remove the need for applicants to file a Motion for Alternative Form of Notice with each application.

14. Deletion of Outdated, Unnecessary, and Duplicative Rules

27. In addition to the deleted rules discussed above, we propose deletion of multiple rules that are potentially outdated, unnecessary, or needlessly duplicative. For example, we propose deletion of current Rule 2133 regarding service components and requirements. We also propose deleting current Rule 2137, regarding obligations of ALI database providers. The proposed definitions for Basic Emergency Service and BESP in Rules 2131(j) and (k), respectively, include ALI providers, thus making 2137 redundant with Rule 2136.

28. We propose that Rule 2139, regarding obligations of resellers of BESP, and Rule 2140, regarding obligations of wireless providers, each be deleted in their entirety as outdated and, therefore unnecessary, consistent with the Task Force's recommendation.

D. Conclusion

29. The statutory authority for the rules proposed here is found at §§ 24-4-101 *et seq.*; 40-2-108; 40-3-101, 102, 103, and 110; 40-4-101; 40-15-101, 107, 108(2), 201, 202, 302, 401, 501, 502, 503, and 503.5; and 40-17-103(2), C.R.S.

30. The proposed rules in legislative (*i.e.*, strikeout/underline) format (Attachment A) and final format (Attachment B) are available through the Commission's Electronic Filings (E-Filings) system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=17R-0488T.

31. The Commission encourages and invites public comment on all proposed rules. We request that commenters propose any changes in legislative redline format.

32. This matter is referred to an ALJ for the issuance of a recommended decision.

33. The ALJ will conduct a hearing on the proposed rules and related issues on September 18, 2017. Interested persons may submit written comments on the rules and present these orally at hearing, unless the ALJ deems oral presentations unnecessary.

34. The Commission encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before the hearing, the Commission requests that comments be filed no later than August 21, 2017, and that any pre-filed comments responsive to the initial comments be submitted no later than September 4, 2017. The Commission prefers that comments be filed using its E-Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage>.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking (including Attachment A and Attachment B) attached hereto, shall be filed with the Colorado Secretary of State for publication in the August 10, 2017, edition of *The Colorado Register*.

2. This matter is referred to an Administrative Law Judge for the issuance of a recommended decision.

3. A hearing on the proposed rules and related matters shall be held as follows:

DATE September 18, 2017

TIME: 9:00 a.m. until not later than 5:00 p.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
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 Administrative Law Judge deems oral comments unnecessary.

5. Interested persons may file written comments in this matter. The Commission requests that initial pre-filed comments be submitted no later than August 21, 2017, and that any pre-filed comments responsive to the initial comments be submitted no later than September 4, 2017. The Commission will consider all submissions, whether oral or written.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 20, 2017.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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Commissioners