

Decision No. R22-0467-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0122T

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES IN 4 CODE OF
COLORADO REGULATIONS 723-2 MODIFYING THE COMMISSION RULES
REGARDING BASIC EMERGENCY NETWORK RELIABILITY.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
ESTABLISHING A DEADLINE FOR FINAL REPORT
CONCERNING WORKSHOP PROCESS,
ESTABLISHING DEADLINES FOR INITIAL AND
RESPONSE COMMENTS, AND SCHEDULING
CONTINUED HYBRID PUBLIC COMMENT HEARING**

Mailed Date: August 11, 2022

I. STATEMENT

A. Background

1. The Colorado Public Utilities Commission issued Decision No. C22-0174, which was a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regarding Basic Emergency Service Network Reliability (Basic Emergency Network Reliability Rules), on March 21, 2022. The NOPR initiated this proceeding. The NOPR proposed significant changes to the Basic Emergency Network Reliability Rules, described those changes in detail and the justification therefor, attached the Rules in legislative (*i.e.*, strikeout/underline) format and in a clean version, established deadlines of April 22, 2022 and April 29, 2022 for initial comments and response comments concerning the proposed rules, respectively, and scheduled a hybrid hearing for

May 9, 2022 at 9:00 a.m. for oral comments regarding the proposed rules.¹ The NOPR also referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

2. Boulder Regional Telephone Service Authority (BRETSA), Colorado Council Authorities, CTIA – The Wireless Association, Lumen, doing business as CenturyLink QC (CenturyLink), Intrado Safety Communications, Inc. (Intrado), and the Office of the Utility Consumer Advocate (UCA) submitted initial comments and response comments. BRETSA, CenturyLink, Intrado, and UCA filed response comments.

3. At 9:00 a.m. on May 9, 2022, the ALJ held the hearing noticed in the NOPR. The ALJ discussed the proposed rules and the initial and response comments with the participants at the hearing. Based on the input of the participants at the hearing, the ALJ proposed a workshop process in which the commenters would more clearly identify areas of consensus and differences and work towards submitting to the Commission revised proposed rules that reflect areas of consensus. The participants at the hearing agreed with the ALJ that, due to the wide diversity of views regarding the proposed rules expressed in the initial and response comments, a workshop process open to all participants would be the most efficient method of reaching the end result of the final rules. The ALJ and the participants thus agreed to continue the hybrid public comment hearing until June 9, 2022 at 11:30 a.m. to provide time for the workshop process to take place.

4. On May 13, 2022, Decision No. R22-0297-I issued that memorialized the decisions made at the May 9, 2022 hybrid public comment hearing. Specifically, Decision No. R22-0297-I continued the hybrid public comment hearing to June 9, 2022 at 11:30 a.m. and

¹ A hybrid hearing is one in which the ALJ conducts the hearing from a hearing room at the Commission and the participants appear either in-person or remotely via the Zoom web conferencing platform.

ordered a status report to be filed by June 6, 2022 informing the ALJ of the results of the workshop process as of that date.

5. On June 6, 2022, the participants in the workshop process filed the requested Status Report, which stated that the parties: (a) had met four times to that point; (b) had made good progress but needed more time to complete the process; (c) believed there is a possibility that they will complete the workshop process and be able to file a final report by the week of July 12; and (d) requested that this hybrid public comment hearing be continued until no earlier than July 18, 2022.

6. On June 9, 2022, the ALJ held the first continued hybrid public comment hearing. After discussion with the participants, the ALJ ordered a status report be filed by July 15, 2022, and continued the hybrid public comment hearing until August 5, 2022 at 11:30 a.m.

7. On July 15, 2022, the participants in the workshop process filed the second status report, which stated that the parties: (a) had met an additional six times since the last status report; (b) continued to make good progress but needed more time to complete the process; and (c) believed there is a possibility that they will complete the workshop process and be able to file a final report before the continued hybrid public comment hearing on August 5, 2022.

8. On August 5, 2022, the ALJ held the second continued hybrid public comment hearing. The participants in the workshop process reported that they were close to completing the process and filing a Final Report, but they needed more time. After discussion with the participants, the ALJ ordered the workshop participants to file a final report by September 7, 2022, established deadlines for initial and response comments concerning the Final Report and the rules appended thereto of September 19 and 30, 2022, respectively, and continued the hybrid public comment hearing until October 13, 2022 at 11:30 a.m.

B. Third Continued Hybrid Public Comment Hearing

9. As noted, during the hearing on August 5, 2022, the undersigned ALJ announced the continuation of the public comment hearing. This Interim Decision memorializes the continuance of the public comment hearing to October 13, 2022 at 11:30 a.m.

C. Final Report and Initial and Response Comments

10. As noted, at the second continued hybrid public comment hearing, the ALJ ordered the workshop participants to file a Final Report by September 7, 2022. The Final Report should summarize the stakeholder process and attach two new versions of the proposed rules. The first version should be in legislative format (*i.e.*, strikeout/underline) that shows the changes from the previous version of the proposed rules filed with Decision No. C22-0174. The second version should be filed in clean (*i.e.*, non-legislative) format.

11. The deadlines for initial and response comments addressing the rules attached to the Final Report are September 19 and 30, 2022, respectively.

II. ORDER**A. It Is Ordered That:**

1. The workshop process coordinated by the State 911 Program Manager for the Commission described above shall continue to take place.

2. A Final Report regarding the workshop process as described above shall be filed by September 7, 2022.

3. Initial and response comments regarding the rules filed with the Final Report are due on September 19 and 30, 2022, respectively.

4. The continued hybrid public comment hearing on the proposed rules and related matters in this proceeding is scheduled as follows:

DATE: October 13, 2022

TIME: 11:30 a.m.

PLACE: In-person: Commission Hearing Room, Suite 250, 1560 Broadway
Denver, Colorado

By video conference: using the Zoom web conferencing platform at a link in the calendar of events on the Commission's website, available at <https://puc.colorado.gov/>.

5. At the time set for the continued hybrid hearing, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

6. Interested persons may also submit written comments in this matter by filing them directly in this proceeding using the Commission's e-filing system, including them in an email sent to the Commission, or by entering them through the Commission's website by clicking on the "FILE A COMMENT OR COMPLAINT" link on the Commission's home page and then following the prompts. The Commission's e-filing system, email address, and "FILE A COMMENT OR COMPLAINT" link can be found at <https://puc.colorado.gov/>.

7. Interested persons may also submit oral comments in this matter, either in English or in Spanish, by calling (303) 869-3490 and leaving a voicemail containing the comments.

8. Regardless of which of the above methods is used for submitting comments in this proceeding, the number of this proceeding (22R-0122T) should be identified in submitted

comments to aid the Commission's administrative staff in placing the comments in this proceeding.

9. The Commission will equally consider all comments submitted, whether oral or written.

10. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director