

Decision No. C23-0330

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0246T

IN THE MATTER OF THE PROPOSED AMENDMENTS TO 4 CODE OF COLORADO REGULATIONS 723-2 MODIFYING THE COMMISSION RULES REGARDING REMITTANCE PROCEDURES FOR THE 911 SURCHARGE, THE 988 SURCHARGE, AND THE TELECOM RELAY SERVICE SURCHARGE.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: May 19, 2023

Adopted Date: May 17, 2023

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed rulemaking to amend the Rules Regulating Telecommunications Services and Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* (CCR) 723-2-2150, 2802, and 2827 (Surcharge Remittance Rules).

2. The changes proposed are intended to eliminate the existing requirement that telecommunications service providers complete and file a remittance form for the 9-1-1 surcharge, the 988 surcharge, and the telecommunications relay service (TRS) surcharge with the Commission, and to instead require that the providers complete a return and submit payment as directed by Commission Staff. This will allow providers to submit their return and submit payment in one step, in most cases. Changes made to Rule 2150, which prescribes the procedures for

remittance of 9-1-1 surcharges, are repeated in Rules 2802 and 2827 for the 988 surcharge and the TRS surcharge, respectively.

3. The effective date of these rules would be January 1, 2024. Should comment or other processes extend this rulemaking such that any proposed updates to rules cannot be effective by January 1, 2024, we seek comment on a future date certain that could assist in the implementation of updated processes.¹

4. These changes are being proposed to streamline the remittance process for the telecommunications service providers, eliminate unnecessary paperwork, and enhance the ability of Commission staff to track remittances and ensure accountability.

5. In addition to proposed updates regarding form submission, we also provide limited updates regarding remittance timelines. Specifically, we propose to require that remittances be completed by the last day of the month following the month in which the surcharge was collected from the consumer, even if the last day of the month is on a weekend or holiday. This update is intended to make clear that Rule 1203(a), 4 CCR 723-1 of the Commission's Rules of Practice and Procedure, which continues deadlines to the end of the next business day if that deadline falls on a weekend or holiday, does not apply. Telecommunications service providers may submit payment prior to the last day of the month (*e.g.*, on the last business day if the month ends on a holiday or weekend), but all submissions must be provided by the last calendar day of the month under the proposed rule. This change is being proposed to remove ambiguity regarding when late penalties and interest are to be assessed.

¹ For example, while we do not at this time anticipate multiple public comment hearings will be necessary, if more than one public comment hearing is held, the date certain of January 1, 2024, may need to be extended.

6. The statutory authority for the rules proposed here is found at §§ 24-4-101 *et seq.*; 27-64-103; 40-2-108; 40-3-101, 102, 103, and 110; 40-4-101; 40-15-101, 107, 201, 202; and 29-11-102.3, C.R.S.

7. 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=23R-0246T

8. This matter is set for hearing and referred to an Administrative Law Judge (ALJ) for a recommended decision.

II. **ORDER**

A. **The Commission Orders That:**

1. This Notice of Proposed Rulemaking (including Attachment A and Attachment B hereto) shall be filed with the Colorado Secretary of State for publication in the June 10, 2023, 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: July 17, 2023

TIME: 11:00 a.m. until not later than 5:00 p.m.

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

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. 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 June 23, 2023, and that any pre-filed comments responsive to the initial comments be submitted no later than July 7, 2023. The Commission prefers that comments be filed using its E-Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage>.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 17, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners