

Decision No. R23-0412-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0197T

IN THE MATTER OF THE APPLICATION OF LUMEN D/B/A CENTURYLINK QC FOR THE
2023 BASIC EMERGENCY SERVICE PROVIDER IMPROVEMENT PLAN.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
GRANTING INTERVENTIONS**

Mailed Date: June 22, 2023

I. STATEMENT

A. Procedural Background

1. On April 24, 2023, Lumen, doing business as, CenturyLink QC (Lumen) filed its application for 2023 Basic Emergency Service Provider Improvement Plan (Application). Lumen filed its Application pursuant to the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1-1000 *et seq.*, and in response to Decision No. C23-0125 adopting amendments to 4 CCR 723-2-2143(b) and Decision No. C23-0250-I, extending the deadline for submission of 2023 improvement plans.

2. By minute entry during the Commission's weekly meeting held on June 7, 2023, this matter was referred to an Administrative Law Judge (ALJ).

B. Interventions

3. On May 15, 2023, the Office of the Utility Consumer Advocate timely intervened of right.

4. On May 26, 2023, the Colorado Cable Telecommunications Association's (CCTA) Motion to Permissively Intervene was filed. CCTA states that it is a non-profit corporation and trade association of cable companies and other entities duly authorized and in good standing to transact business within the State of Colorado. CCTA represents the interest of cable companies that, through affiliated operating companies, provide certain communication services, including Voice over Internet Protocol services, to customers in rural Colorado, including in the area served by Lumen.

5. On May 26, 2023, the Boulder Regional Emergency Telephone Service Authority's, Douglas County Emergency Telephone Service Authority's, and El Paso Teller County Emergency Telephone Service Authority's Notice of Intervention as of Right, or in the Alternative, Motion for Permissive Intervention, and Request for Hearing was filed. These authorities state that they are governing bodies as defined in § 29-11-101(16), C.R.S. and 4 CCR 723-2-2131(s), and as such, they are authorized fund and/or provide Emergency Telephone Service in their respective jurisdictions. The authorities also take service under CenturyLink Colo. P.U.C. No. 25 Section 9.2.5, Emergency Reporting Service, and pay tariff charges for the Service which will be increased to pay the costs of implementing the Improvement Plan pursuant to 4 CCR 723-2-2137(e)(II). Finally, the Improvement Plan is also intended to improve the reliability of ubiquitous Emergency Telephone Service in Colorado, which is of concern to all Colorado Governing Bodies as Emergency Telephone Service providers and insofar as service quality within Colorado affects public trust in 9-1-1 Service and affects their constituents.

6. On May 26, 2023, the Colorado Council of Authorities, Inc.['s] (CCOA) Notice of Intervention as of Right, or, in the Alternative, Motion to Permissively Intervene was filed. CCOA states that it is a Colorado membership-based association open to each Governing Body as defined

in C.R.S. § 29-11-101(16) that pays CCOA's annual dues; Governing Bodies may incur equipment, installation, and other directly related costs for the continued operation of an emergency telephone service, and Governing Bodies may pay those costs by establishing and collecting the emergency telephone charge in the Governing Body's jurisdiction. C.R.S. § 29-11-102(1)(a); Governing Bodies receive the statewide 911 surcharge authorized in C.R.S. § 29-11-102.3 and the prepaid wireless 911 charge authorized in C.R.S. § 29-11-102.5. Governing Bodies pay for the expenses that are authorized by statute, which include "[c]harges of basic emergency service providers (BESPs) for the provision of basic emergency service." C.R.S. § 29-11-104(2)(a)(I)(B). Within their respective jurisdictions, each member may oversee, operate, or contract for one or more facilities equipped and staffed to provide emergency telephone service, or public safety answering points ("PSAPs") as defined in C.R.S. § 29-11-101(23).

7. On May 26, 2023, the Larimer Emergency Telephone Authority (LETA) Notice of Intervention as of Right, or, in the Alternative, Motion to Permissively Intervene was filed. Formed in 1990, LETA states that it is a Governing Body as defined in C.R.S. § 29-11-101(16). LETA is responsible for the installation, administration, management, operation, maintenance, upgrade, and enhancement of emergency telephone service and emergency notification service in Larimer County. It may incur equipment, installation, and other directly related costs for the continued operation of an emergency telephone service, and LETA may pay those costs by establishing and collecting the emergency telephone charge in its jurisdiction. C.R.S. § 29-11-102(1)(a). LETA also receives the statewide 911 surcharge authorized in C.R.S. § 29-11-102.3 and the prepaid wireless 911 charge authorized in C.R.S. § 29-11-102.5. In turn, LETA pays for the expenses that are authorized by statute, which include "[c]harges of basic

emergency service providers (BESPs) for the provision of basic emergency service.” C.R.S. § 29-11-104(2)(a)(I)(B).

8. Under Rule 1401(c), 4 CCR 723-1, persons seeking permissive intervention must demonstrate that the proceeding may substantially affect the pecuniary or tangible interests of the movant, and that the movant’s interests would not otherwise be adequately represented.

9. No response has been filed to any request for permissive intervention.

10. The motions to intervene filed by each of the authorities above demonstrates the required pecuniary or tangible interests and that the movants’ interests would not otherwise be adequately represented. Good cause having been shown for the unopposed requests, they will be granted.

II. ORDER

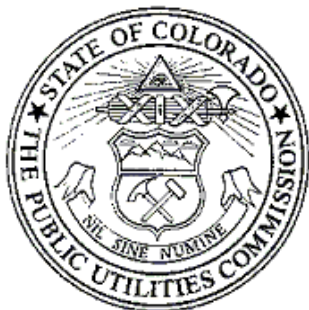
A. It Is Ordered That:

1. The intervention of the Office of the Utility Consumer Advocate is noted.

2. The requests for permissive intervention of the Colorado Cable Telecommunications Association, the Boulder Regional Emergency Telephone Service Authority, the Douglas County Emergency Telephone Service Authority, the El Paso Teller County Emergency Telephone Service Authority, the Colorado Council of Authorities, Inc., and Larimer Emergency Telephone Authority are granted.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES
COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director