

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

2011. Regulated Telecommunications Utility Rule Violations, Civil Enforcement, and Civil Penalties.

An admission to or Commission adjudication for liability for an intentional violation of the following may result in the assessment of a civil penalty of up to \$2,000.00 per offense. Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.

Citation	Description	Maximum Penalty Per Violation
Rule 2109(b),(e)-(g); text preceding (a)	Discontinuance of Regulated Services	\$2000
Rule 2110, text preceding (a) only	Applications to Transfer or Encumber	\$2000
Rule 2122	Keeping a Current Tariff on File with the Commission	\$2000
Rule 2135	Uniform System of Accounts, Cost Segregation and Collection	\$2000
Rule 2136	Obligations of Basic Emergency Service Providers	\$2000
Rule 2139	Obligations of Resellers of Basic Local Exchange Service	\$2000
Rule 2142	Nondisclosure of Name/Number/Address Information	\$2000
Rule 2143	Diverse Routing and Priority Service Restoration	\$2000

Rule 2150	Administration of the 9-1-1 Surcharge Trust Cash Fund	\$2000
Rule 2152	Audit of Service Providers Regarding Emergency Telephone Charge and 9-1-1 Surcharge Practices	\$2000
Rule 2186(a),(d), (e) and (f)	Relinquishment of Designation as Provider of Last Resort	\$2000
Rule 2305, text preceding (a) only	Refund Plans	\$2000
Rule 2335	Provision of Service During Maintenance or Emergencies	\$2000
Rule 2413	Affiliate Transactions for Local Exchange Providers	\$2000
Rule 2533	Submission of Agreement and Amendments for Approval	\$2000
Rule 2742	Abbreviated Dialing Codes	\$2000
<u>Rule 2812</u>	<u>Inmate Communication Services Provider Reporting and Testing Requirements</u>	<u>\$2000</u>
Rule 2334	Construction and Maintenance Practices for Telecommunications Facilities	\$1000
Rule 2337(a)	Standard Performance Characteristics for Customer Access Lines	\$1000
Rule 2302(a)-(c);(e)-(g)	Applications for Service, Customer Deposits, and Third Party Guarantees	\$500
Rule 2823(a),(c)-(e)	Conformity with the Federal Americans with Disabilities Act of 1990	\$100
Rule 2824	Conformity with the Commission's Quality of Service Rules	\$100
Rule 2827(b)	Timely or Completely Filing or Making Appropriate Payments to the TRS Fund	\$100

Rule (TBD)	Timely or Completely Filing or Making Appropriate Payments to the HCSM Fund	\$100
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[indicates omission of unaffected rules]

2804. – 28109. [Reserved].

Inmate Communication Services

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to prescribe the process and requirements for reporting and disclosures by inmate communication services (ICS) providers.

The statutory authority for the promulgation of these rules is found at § 17-42-103, C.R.S.

2810. Applicability.

Rules 2810 through 2812 are applicable to inmate communication services providers, as defined in rule 2811.

2811. Definitions.

- (a) “Call” means video calling or voice-only calling between an incarcerated individual and another person and does not include electronic mail or messaging services.
- (b) “Commissions” means any form of monetary payment, thing of value, in-kind payment, gift, exchange of services or goods, fee other than for direct cost recovery, or technology allowance paid to a correctional facility or other government entity by an ICS provider.
- (c) “Correctional facility” means any building, structure, enclosure, institution, or place, whether permanent or temporary, fixed or mobile, where persons are or may be lawfully held in custody or confined and that is operated by a city, county, city and county, state government, or private entity, including but not limited to a jail or prison.
- (d) “Inmate communication services (ICS)” or “Penal communications services” means communications services, including but not limited to telephone, video, or electronic mail or messaging services provided to a correctional facility for use by end users.
- (e) “Inmate communication services (ICS) provider” or “Penal communications services provider” means a person or company that provides penal communications services or the means to access penal communications services, regardless of the technology used to provide the services. A person or company that provides one type of communications service but not others is also an inmate communication services provider.

2812. Inmate Communication Services Provider Reporting and Testing Requirements

- (a) Within 14 days after the end of each quarter, each ICS provider must submit the following records and data to the Commission for each correctional facility to which it provides ICS:
- (I) a copy of the existing contract between the ICS provider and the government entity to provide ICS to persons in custody in a correctional facility, unless this contract was provided in a previous quarterly report and is unchanged;
 - (II) the total number of video calls and total number of voice calls made from the correctional facility using the service;
 - (III) the total number of video call minutes and total number of voice call minutes made from the correctional facility using the service;
 - (IV) the total gross revenue collected by the ICS provider for providing the services, including revenue for voice calls, video calls, e-mail, and other electronic messaging, for both intrastate and interstate communications, broken out or combined as directed by Commission staff;
 - (V) a summary of all commissions paid to the correctional facility or any other government entity for all ICS provided by the ICS provider;
 - (VI) a copy of the inmate communications service provider's unclaimed funds policy, unless a copy of this policy was provided in a previous quarterly report and is unchanged;
 - (VII) a list of the rates charged by the inmate communications provider to persons in custody making calls to persons not in custody, regardless of whether those rates are paid directly by the person in custody or by the correctional facility on the person's behalf, including any rates charged for:
 - (A) the first minute of an in-state call;
 - (B) minutes subsequent to the first minute of an in-state call;
 - (C) the first minute of an out-of-state call; and
 - (D) minutes subsequent to the first minute for an out-of-state call;
 - (VIII) a list of the fees charged to persons in custody making telephone calls to persons not in custody, including fees charged for:
 - (A) initiating a call;
 - (B) depositing money into the incarcerated person's account for ICS;
 - (C) opening, maintaining, funding, or closing an account with an ICS provider;
 - (D) receiving a refund from an ICS provider;

- (E) receiving a paper bill from an ICS provider;
 - (F) making payments to the ICS provider through a third-party company; and
 - (G) other information as may be requested by Commission staff regarding the fee and rate structure of the services provided by the ICS provider; and
 - (IX) the total number of complaints related to video quality.
 - (b) Commission staff may provide an online form to facilitate the quarterly reporting required in paragraph (a).
 - (c) Starting on January 1, 2022, rate caps established by the federal communications commission apply to all in-state debit, prepaid, and collect calls to or from a correctional facility.
 - (d) ICS providers shall cooperate, as necessary, with biannual trial tests conducted by Commission staff and correctional facilities on a statistically valid sample of communications services to and from correctional facilities served by the ICS provider, including voice calls, at a minimum, but may also include video calls.
 - (I) Tests will include trial voice calls to staff phone numbers not already in the provider's system.
 - (II) Tests will assess and monitor the costs and quality of calls, including how the ICS provider is charging and addressing consumer complaints regarding poor quality calls, including dropped calls.
 - (III) Tests will generally be conducted remotely.
 - (e) ICS providers shall include the following language on their website: "The Public Utilities Commission (PUC) gives consumers the opportunity to file informal complaints about problems with the communications services that the PUC regulates. Complaints can be filed through <https://puc.colorado.gov/inmate-communication-services> or <https://puc.colorado.gov>".
 - (I) Both "<https://puc.colorado.gov>" and "<https://puc.colorado.gov/inmate-communication-services>" in the statement shall be hyperlinked to allow visitors to the website to directly access the websites.
 - (II) The language must be posted on the homepage or customer service page of the ICS provider's website. If posted to the customer service page, this page must be accessible with a single click from the homepage. The language must be displayed in an easy-to-read font, font size, and color.
 - (III) Informal complaints received by Commission staff shall be handled in accordance with rule 1301.

2813. – 2819. [Reserved].

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[indicates omission of unaffected rules]

GLOSSARY OF ACRONYMS

ABS	Alternate Billing Service
ALI	Automatic Location Identification
AMA	Automatic Message Accounting
AML	Actual Measured Loss
ANI	Automatic Number Identification
ANSI	American National Standards Institute
BER	Bit Error Rate
BESP	Basic Emergency Service Provider
BRI	Basic Rate Interface
BSA	Basic Serving Arrangement
BSE	Basic Service Element
CASB	Cost Accounting Standards Board
CCR	Code of Colorado Regulations
CEI	Comparably Efficient Interconnection
CFR	Code of Federal Regulations
CLASS	Custom Local Area Signaling System
CLEC	Competitive Local Exchange Carrier
CMRS	Commercial Mobile Radio Service
CNS	Complementary Network Service
CPCN	Certificate of Public Convenience and Necessity
CPNI	Customer Proprietary Network Information
CRCP	Colorado Rules of Civil Procedure
CRS	Colorado Revised Statutes
CSR	Customer Service Record
dB	Decibel
DMS	Data Management System
DS0,DS1,DS3	Digital Signaling levels 0, 1 and 3
E9-1-1	Enhanced 911
e-mail	Electronic mail
ENS	Emergency Notification Service
EP	Eligible Provider
ESP	Enhanced Service Provider
ETC	Eligible Telecommunications Carrier
ETS	Emergency Telephone Service
FCC	Federal Communications Commission
FDC	Fully Distributed Cost
FOC	Firm Order Confirmation
GAAP	Generally Accepted Accounting Principles
HCSM	High Cost Support Mechanism

Hz	Hertz
ICB	Individual Case Basis
<u>ICS</u>	<u>Inmate Communication Services</u>
IEEE	Institute of Electrical and Electronics Engineers
ILEC	Incumbent Local Exchange Carrier
ISDN	Integrated Services Digital Network kbit/sec kilobit per second (1,000 bits per second)
LATA	Local Access Transport Area
LCA	Local Calling Area
LEC	Local Exchange Carrier
LIDB	Line Identification Database
LLC	Limited Liability Company
LNP	Local Number Portability
LOR	Letter of Registration
LRIC	Long Run Incremental Cost
LSR	Local Service Request
ma	milliamps
Mbps	Megabits per second
MLTS	Multi-line Telephone System
MSA	Metropolitan Statistical Area
MSAG	Master Street Address Guide
MTB	Minimum Transport Bandwidth
MTE	Multi-Tenant Environment
NANP	North American Numbering Plan
NANPA	North American Numbering Plan Administrator
NECA	National Exchange Carrier Association
NENA	National Emergency Number Association
NID	Network Interface Device
NIIF	Network Interconnection Interoperability Forum
NPA	Numbering Plan Area
NPAC	Number Portability Administration Center
OC1	Optical Carrier-Level 1 Signal
ONA	Open Network Architecture
OSS	Operational Support Systems
PCS	Personal Communications Service
PIN	Personal Account Identification Number
POLR	Provider of Last Resort
PRI	Primary Rate Interface
PSAP	Public Safety Answering Point
RBOC	Regional Bell Operating Company
RTEZ	Rural Technology Enterprise Zone
RTF	Rich Text Format
RUS	Rural Utility Service
SCP	Service Control Point
SGAT	Statement of Generally Available Terms and Conditions
SLU	Subscriber Line Usage
SS7	Signaling System #7
STP	Signal Transfer Point
TDD	Telecommunications Device for the Deaf
TRS	Telecommunications Relay Services
TSLRIC	Total Service Long Run Incremental Cost

UCA Office of Consumer Advocate
UNE Unbundled Network Element
USF Universal Service Fund
USOA Uniform System of Accounts
WATS Wide Area Telephone Service