

Decision No. R24-0068-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0557T

IN THE MATTER OF THE PROPOSED AMENDMENTS TO 4 CODE OF COLORADO
REGULATIONS 723-2 MODIFYING THE COMMISSION RULES REGARDING BASIC
EMERGENCY SERVICE OUTAGE PREVENTION, RESPONSE, AND REPORTING.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING CONTINUED
PUBLIC COMMENT HEARING**

Mailed Date: January 30, 2024

I. STATEMENT, SUMMARY AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision schedules a continued public comment hearing for February 29, 2024, and provides information to facilitate attendance at public comment hearing and submitting written and verbal comments.

B. Procedural History

2. During its weekly meeting held on November 29, 2023, the Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Telecommunications Services and Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* 723-2-2131, 2134, 2136, 2143 (collectively, the Basic Emergency Service Rules) and 2335 (Quality of Service Rule).¹

¹ Decision No. C23-0800 (mailed December 5, 2023).

That NOPR initiated this Proceeding. With the NOPR, the Commission provided the proposed Rules as Attachments A and B.

3. The NOPR scheduled a fully remote hearing to receive public comment on the proposed Rules for January 29, 2024, at 11:30 a.m. In addition, the Commission established January 10, 2024 as the deadline to provide initial written public comments and January 19, 2024 as the deadline to file comments responsive to initial comments. The NOPR also referred this Proceeding to an Administrative Law Judge (ALJ), which was subsequently assigned to the undersigned.

4. On December 6, 2023, the Commission filed the NOPR and Attachments with the Colorado Secretary of State. The NOPR was published in the December 25, 2023 edition of the Colorado Register.

5. On January 9, 2024, the ALJ issued a Decision providing notice that the January 29, 2024 public comment hearing would be convened for the sole purpose of continuing the public comment hearing to a future hearing date, and modified the January 10, 2024 deadline for initial comments to February 12, 2024, and the January 19, 2024 deadline to file responsive comments to February 21, 2024.²

6. The January 29, 2024 public comment hearing was held as noticed.

II. FINDINGS, ANALYSIS AND CONCLUSIONS

A. Continued Public Comment Hearing

7. During the January 29, 2024 public comment hearing, Chief ALJ G. Harris Adams continued the public comment hearing to February 29, 2024 at 11:30 a.m., consistent with the ordering paragraphs below.

² Decision No. R24-0012-I (mailed January 9, 2024).

B. Methods To Submit Public Comments

8. Interested persons may provide written or oral comments. Although the Commission prefers written comments over oral comments, they are given the same weight.

9. Interested persons are encouraged to submit written comments through either: (a) the Commission's Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this Proceeding; or (b) the Commission's website at <https://puc.colorado.gov/> by clicking on the "FILE A COMMENT OR COMPLAINT" link. Anyone using the latter option should ensure that their comments include this Proceeding number.

10. Verbal comments can be provided during the scheduled public comment hearings, or by leaving a voice mail message at 303-869-3490. Voice mail public comments will be placed in the record of this Proceeding and should include a reference to this Proceeding number.

C. Observing or Participating in Public Comment Hearing

11. The February 29, 2024 hearing will be fully-remote, using the web-hosted video conferencing service, Zoom. The Zoom information to join the public comment hearing will be posted on the Commission's calendar of events, on the Commission's website at: <https://puc.colorado.gov/puccalendar>.

12. To ensure a clear record and orderly hearing progression, interested persons are strongly encouraged to participate by videoconference. Nevertheless, interested persons have the option to participate by telephone.

13. During the public comment hearing, the ALJ will take action as necessary to facilitate a clear and understandable record, and to ensure the orderly progress of the hearing. For the same reasons, all participants are required to: (a) mute their microphone during the hearing until called upon by the ALJ; (b) ensure they are participating from a location with

minimal or no background noise; (c) not connect to the hearing using multiple devices located in the same room (which causes audio feedback); and (d) input their full name into Zoom when prompted to do so. Participants are encouraged to use a headset to listen to the hearing, as this may also help avoid background noise and feedback when they speak. Participants are encouraged to use a computer, smart phone, or tablet that is connected to the internet and has an operational microphone, speaker, and camera.

14. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by videoconference using a computer. This is intended to ensure that the remote hearing proceeds efficiently. Hence, it is important that videoconference participants carefully review and follow all requirements in this Decision and Attachment A.

15. The continued public comment hearing is scheduled to commence at 11:30 a.m., and consistent with Commission practice, will conclude no later than 5:30 p.m., or when all public comments have been received, whichever is earlier. The hearing will not be held open for public comments after all those who have appeared have provided public comment, even if this means concluding the hearing well before 5:30 p.m. For example, if all those who appear at the hearing have provided public comment by 12:00 p.m. or sooner, the hearing will be adjourned. This also means that anyone who chooses to join the public comment hearing after the 11:30 a.m. start time assumes the risk that the hearing will already be concluded.

16. The Commission strives to accommodate all members of the public at its hearings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Interested persons requesting an accommodation for the public comment hearing should complete the [Language Access](#) Form under the “How to Make Comments” tab at <https://puc.colorado.gov/how-to-participate> at least one week prior to the

event. Requests for accommodation can also be made directly by contacting Holly Bise at 303-894-2024 or holly.bise@state.co.us.

17. Consistent with Commission practice, the public comment hearing will be webcast on the Commission's website. Persons wishing to observe, but not participate in the hearing may do so by observing the webcast of the rulemaking hearing and need not join the hearing by telephone or videoconference. To observe the hearing by webcast, enter this link in the web browser <https://www.youtube.com/@COPublicUtilitiesCommission/featured>. This link connects to the Commission's YouTube webpage, where interested persons may observe live and recorded hearings.

III. ORDER

A. It Is Ordered That:

1. The January 29, 2024, 11:30 a.m. public comment hearing is continued as set forth below:

DATE: February 29, 2024

TIME: 11:30 a.m., continuing until concluded, but not later than 5:30 p.m.

PLACE: By video conference or telephone using Zoom information available on the Commission's calendar of events at: <https://puc.colorado.gov/puccalendar>.

2. Members of the public who wish to participate in the public comment hearing must follow the requirements in this Decision and Attachment A, which is incorporated into this Decision.

3. Those wishing to observe but not participate in the public comment hearing may do so by observing the Commission's hearing webcast at:

<https://www.youtube.com/@COPublicUtilitiesCommission/featured>.

4. Members of the public who wish to provide written comments may do so by following the instructions in this Decision.
5. The Administrative Law Judge may schedule additional hearings if necessary.
6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director